

TSD File Inventory Index

Date: October 2, 2001

Initial: C. M. Knecht

Facility Name: <u>Litzheimers Manufacturing Company (Pre Falden Site)</u>			
Facility Identification Number: <u>XV D 005 354 949</u>			
A.1 General Correspondence	Y	B.2 Permit Docket (B.1.2)	
A.2 Part A / Interim Status	Y	.1 Correspondence	
.1 Correspondence	Y	.2 All Other Permitting Documents (Not Part of the ARA)	
.2 Notification and Acknowledgment	Y	C.1 Compliance - (Inspection Reports)	Y
.3 Part A Application and Amendments	Y	C.2 Compliance/Enforcement	X
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		C.3 FOIA Exemptions - Non-Releasable Documents	
A.3 Groundwater Monitoring	Y	D.1 Corrective Action/Facility Assessment	Y
.1 Correspondence	Y	.1 RFA Correspondence	
.2 Reports		.2 Background Reports, Supporting Docs and Studies	
A.4 Closure/Post Closure	Y	.3 State Prelim. Investigation Memos	
.1 Correspondence	Y	.4 RFA Reports	1
.2 Closure/Post Closure Plans, Certificates, etc	X	D. 2 Corrective Action/Facility Investigation	
A.5 Ambient Air Monitoring		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
B.1 Administrative Record		.4 RFI Draft /Final Report	

Total - 1

.5 RFI QAPP		.7 Lab data, Soil Sampling/Groundwater	
.6 RFI QAPP Correspondence		.8 Progress Reports	
.7 Lab Data, Soil-Sampling/Groundwater		D.5 Corrective Action/Enforcement	
.8 RFI Progress Reports		.1 Administrative Record 3008(h) Order	
.9 Interim Measures Correspondence		.2 Other Non-AR Documents	
.10 Interim Measures Workplan and Reports		D.6 Environmental Indicator Determinations	
D.3 Corrective Action/Remediation Study		.1 Forms/Checklists	
.1 CMS Correspondence		E. Boilers and Industrial Furnaces (BIF)	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan		.2 Reports	
.4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
.5 Stabilization		G.1 Risk Assessment	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments: Documents do not just go in individual folder per schedule

**A.1 Public
Participation**

LEGAL CONTACT: Jonathan T. McPhee
(312) 886-5348

TECHNICAL CONTACT: Laura L. Lodisio
(312) 886-7090

MEDIA CONTACT: Virginia Donahue
(312) 886-6694

FOR IMMEDIATE RELEASE:

U.S. EPA FILES ADMINISTRATIVE SUIT AGAINST FITZSIMONS MANUFACTURING CO. FOR
HAZARDOUS WASTE VIOLATIONS

The U.S. Environmental Protection Agency (U.S. EPA) today announced the filing of a civil administrative action against Fitzsimons Manufacturing Co. The complaint against the company proposes a penalty of \$2,812 and charges that the facility located at 3775 E. Outer Drive, Detroit, Michigan has violated Federal regulations regarding the storage of hazardous waste.

U.S. EPA is seeking the civil penalty from Fitzsimons Manufacturing Company for failure to prepare a closure plan for its hazardous waste container storage area.

Fitzsimons Manufacturing Company has the right to request a settlement conference and/or a hearing with U.S. EPA concerning the allegations within 30 days.

**A.2 Part A/
Interim Status**

Please print or type with ELITE type (12 characters/inch) in the unshaded areas only.

EPA		U.S. ENVIRONMENTAL PROTECTION AGENCY		NOTIFICATION OF HAZARDOUS WASTE ACTIVITY	
I. NAME OF INSTALLATION		PLEASE PLACE LABEL IN THIS SPACE RECEIVED AUG 19 1985 SWB - AIS U.S. EPA REGION V			
II. INSTALLATION MAILING ADDRESS					
III. LOCATION OF INSTALLATION					
INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).					
FOR OFFICIAL USE ONLY					
COMMENTS					
C					
INSTALLATION'S EPA I.D. NUMBER		APPROVED		DATE RECEIVED (yr., mo., & day)	
F M I D 0 0 5 3 5 4 9 4 9		A		8 1 0 7 2 2	
I. NAME OF INSTALLATION					
F I T Z S I M O N S M A N U F A C T U R I N G C O M P A N Y					
II. INSTALLATION MAILING ADDRESS					
STREET OR P.O. BOX					
3 7 7 5 E A S T O U T E R D R I V E					
CITY OR TOWN					
D E T R O I T					
ST. ZIP CODE					
M I 4 8 2 3 4					
III. LOCATION OF INSTALLATION					
STREET OR ROUTE NUMBER					
3 S A M E					
CITY OR TOWN					
ST. ZIP CODE					
IV. INSTALLATION CONTACT					
NAME AND TITLE (last, first, & job title)					
T Y L E R D A V I D P L A N T A D M I N I S T R A T O R					
PHONE NO. (area code & no.)					
3 1 3 8 9 1 4 8 0 0					
V. OWNERSHIP					
A. NAME OF INSTALLATION'S LEGAL OWNER					
F I T Z S I M O N S M A N U F A C T U R I N G C O M P A N Y					
B. TYPE OF OWNERSHIP (enter the appropriate letter into box)					
VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))					
F - FEDERAL M - NON-FEDERAL					
A. GENERATION B. TRANSPORTATION (complete item VII) C. TREAT/STORE/DISPOSE D. UNDERGROUND INJECTION					
VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))					
A. AIR B. RAIL C. HIGHWAY D. WATER E. OTHER (specify):					
VIII. FIRST OR SUBSEQUENT NOTIFICATION					
Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA I.D. Number in the space provided below.					
A. FIRST NOTIFICATION B. SUBSEQUENT NOTIFICATION (complete item C)					
C. INSTALLATION'S EPA I.D. NO.					
M I D 0 0 5 3 5 4 9 4 9					
IX. DESCRIPTION OF HAZARDOUS WASTES					
Please go to the reverse of this form and provide the requested information.					

DETACH

1	2	3	4	5	6
17 - 20	13 - 16	15 - 18	21 - 24	25 - 28	23 - 26
7	8	9	10	11	12
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43				44				45				46				47				48			
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[illegible]

☒ 4. TOXIC
(0000)

ALPHABET

DATE SIGNED

8-14-85



ACKNOWLEDGEMENT OF NOTIFICATION
OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

• MID005354949 REACKNOWLEDGEMENT

FITZSIMONS MFG CO
3775 E OUTER DRIVE
DETROIT MI 48234

INSTALLATION ADDRESS

3775 E OUTER DRIVE
DETROIT MI 48234

noted

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: SEP 03 1985

SUBJECT: Fitzsimons Manufacturing Co.
MID 005 354 949

FROM: Edith M. Ardiente, Chief
Technical Programs Section, 5HS

TO: William E. Muno, Chief
RCRA Enforcement Section, 5HE

The Fitzsimons Manufacturing Company became subject to the permitting requirements of RCRA under the January 4, 1985 regulations which redefined solid wastes. However, the company failed to submit Part A of its hazardous waste permit application prior to the July 5, 1985, deadline. Therefore, we are unable to acknowledge interim status at this facility. The company may continue its operations only if U.S. EPA issues a compliance order giving the company the functional equivalent of interim status. We are hereby referring this facility to you for such action. Additional details are provided in the attached record of a telephone conversation, dated August 8, 1985.

	TPP.	MTL.	L. CHIEF	RL CHIEF	OL CHIEF	RM/WH CHIEF	OH. CHIEF	TPS CHIEF	PROD CHIEF	WHD CH
NOT. DATE	<i>[Signature]</i> 8-21-85	<i>[Signature]</i> 8-21-85			<i>[Signature]</i> 8-21-85			<i>[Signature]</i>		

nk 8/22/85

8/20/85

YELLOW

us

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

August 11, 1981

EPA Region 5
RCRA Activities
P.O. Box A3587
Chicago, Illinois 60690

Dear Sir:

*Have #
9-10-81
to
Mr. Antos*

This is the second letter we are sending, requesting an EPA Number. The first letter we sent was on July 16th and a phone call was made the first week of August. To this date we have received no EPA Identification Number.

We have received the "Notification of Hazardous Waste Activity" Packet and would like to explain our process to you, as our hazardous waste is not specifically identified in the listing.

Twice a shift, in our lead dipping operation, we skim the lead oxide and what is left of a blanket of zinc-chloride flux, into a container. At a later date, we melt this down to reclaim any lead that may be in this mixture. What is left of this is our generated hazardous waste.

As you can see from the report performed by CLOW HYDRO RESEARCH SERVICES, we are exceeding allowable limits of lead and zinc. At this time we are searching for a reliable disposal facility and are in need of the EPA IDENTIFICATION NUMBER. I would greatly appreciate a speedy response. If your department assigns the Michigan Identification Numbers, please assign one to us also.

8.24.81

Respectfully,

Robert Loveland

Robert Loveland
Chief Engineer

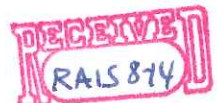
RL/amk

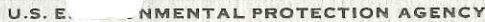
Enclosures

~~SUB.~~ REQUEST

MI0005354949

AUG 14 1981





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DUPLICATE

CONTINUE ON REVERSE

.D. - FOR OFFICIAL USE ONLY															
6														T/A	C
W														1	
1	2											13	14	15	

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

☐ 1. IGNITABLE
(D001)

☐ 2. CORROSIVE
(D002)

☐ 3. REACTIVE
(D003)

☒ 4. TOXIC
(D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

Robert Loveland

NAME & OFFICIAL TITLE (type or print)

Robert Loveland
Chief engineer

DATE SIGNED

8/11/81

EPA Form 8700-12 (6-80) REVERSE

Lead and Zinc - as described.

This is the 2nd notice we are sending. Have never received an EPA #



...URO RESEARCH SERVICES
Water Management Division
Clow Corporation

408 Auburn Avenue
Pontiac, MI 48058

313 334-1630
313 334-4747

June 25, 1981

RECEIVED

JUN 26 1981

Stock Brothers, Inc.

Great Lakes Environmental Services, Inc.
P. O. Box 1208
Warren, MI 48091
Attn: Terry Begnoche

Sample received 6-11-81

Hydro number: 48357

Customer Identification: EPA Leachate Procedure
on Weldflux waste
Fitzsimons Mfg.

Density*, g/ml	1.63
Arsenic, As, mg/l	0.016
Barium, Ba, mg/l	< 1
Cadmium, Cd, mg/l	0.15
Chromium, Total, Cr, mg/l	0.028
Mercury, Hg, mg/l	< 0.0005
Selenium, Se, mg/l	< 0.01
Silver, Ag, mg/l	< 0.002
<u>Lead, Pb, mg/l</u>	<u>450</u>
Copper, Cu, mg/l	0.009
<u>Zinc, Zn, mg/l</u>	<u>11,000</u>
Cyanide, Total, CN, mg/l	< 0.02

*Results reported on sample as received.

100 grams of sample were leached into 1600 mls of deionized water and brought to a final volume of 2000 mls. Final pH after the addition of 45 mls of 0.5 N acetic acid was 5.05.

Linda Deans

Linda Deans
General Laboratory Manager

U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.

NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

III. LOCATION OF INSTALLATION

FITZSIMONS MFG. CO.
3775 E. Outer Drive
Detroit, Mich. 48234

PLEASE PLACE LABEL IN THIS SPACE

000005 JUL 30 81

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED
(yr., mo., & day)

FM1D00535494921 A 810722

I. NAME OF INSTALLATION

FITZSIMONS MFG CO

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

3775 EAST OUTER DRIVE

CITY OR TOWN

ST.

ZIP CODE

DETROIT MI 48234

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

5

CITY OR TOWN

ST.

ZIP CODE

6

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

LOVELAND ROBERT CHIEF ENG'R

313-891-4800

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

FITZSIMONS MFG CO

B. TYPE OF OWNERSHIP
(enter the appropriate letter into box)

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

F = FEDERAL
M = NON-FEDERAL

M

☒ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☒ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

M1D005354949

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

JUL 22 1981

WM	1	D	0	0	5	3	5	4	9	4	9	2	1
1	2	3	4	5	6	7	8	9	10	11	12	13	14

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)**A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
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23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

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C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

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49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)☐ 1. IGNITABLE
(D001)☐ 2. CORROSIVE
(D002)☐ 3. REACTIVE
(D003)☒ 4. TOXIC
(D000)**X. CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

NAME & OFFICIAL TITLE (type or print)

DATE SIGNED

Robert Loveland

Robert Loveland
Chief Engineer

7/16/81

EPA Form 8700-12 (6-80) REVERSE

Lead and Zinc - as described



FITZSIMONS MFG. CO.
3775 E. Outer Drive
Detroit, Michigan 48234
PLEASE PLACE LABEL IN THIS SPACE

DUPLICATE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left, if any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the **INSTRUCTIONS FOR FILING NOTIFICATION** before completing this form. The information requested herein is required by law (*Section 3010 of the Resource Conservation and Recovery Act*).

COMMENTS

[illegible]

I. NAME OF INSTALLATION

[illegible]

II. INSTALLATION MAILING ADDRESS

		STREET OR P.O. BOX																										
C																												
3		3	3	7	7	5	E	A	S	T		Q	U	T	E	R		D	R	I	V	E						
15	16																					45						
		CITY OR TOWN																		ST.		ZIP CODE						
C																												
4		D	E	T	R	O	I	T																				
15	16																			40	41	42	43	44				
																				M	I	4	8	2	3	4		

III. LOCATION OF INSTALLATION

		STREET OR ROUTE NUMBER																							
C	5																								
15	16																					65			
																						ST.		ZIP CODE	
C	6																								
15	16																					20 21 22 23			

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)															PHONE NO. (area code & no.)																				
C																																			
2	L	O	V	E	L	A	N	D	R	O	B	E	R	T	C	H	I	E	F	E	N	G	R	3	1	3	-	8	9	1	-	4	8	0	C
13	14																				AA	46	-	2A	49	-	B1	52	-						

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER																													
C																													
8	F	I	T	Z	S	I	M	O	N	S	M	F	G	C	O														
15	16																										55		
B. TYPE OF OWNERSHIP (enter the appropriate letter into box)															VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))														
F = FEDERAL M = NON-FEDERAL															<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> A. GENERATION <small>57</small> </div> <div> <input type="checkbox"/> B. TRANSPORTATION (complete item VII) <small>58</small> </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> C. TREAT/STORE/DISPOSE <small>59</small> </div> <div> <input type="checkbox"/> D. UNDERGROUND INJECTION <small>60</small> </div> </div>														
															<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> M <small>56</small> </div> <div></div> </div>														

VII. MODE OF TRANSPORTATION (transporters only – enter “X” in the appropriate box(es))

☐ ⁶¹ A. AIR ☐ ⁶² B. RAIL ☐ ⁶³ C. HIGHWAY ☐ ⁶⁴ D. WATER ☐ ⁶⁵ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

<input checked="" type="checkbox"/> A. FIRST NOTIFICATION		<input type="checkbox"/> B. SUBSEQUENT NOTIFICATION (complete item C)		C. INSTALLATION'S EPA I.D. NO. M1D005354949									
---	--	---	--	--	--	--	--	--	--	--	--	--	--

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

JUL 22 1981

JUL 22 1981

W

T/A C

13 14 15

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

☐ 1. IGNITABLE
(D001)

☐ 2. CORROSIVE
(D002)

☐ 3. REACTIVE
(D003)

☒ 4. TOXIC
(D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

Robert Loveland

NAME & OFFICIAL TITLE (type or print)

Robert Loveland
Chief Engineer

DATE SIGNED

Lead and Zinc - as described

Enforcement

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

October 2, 1985

RECEIVED

OCT 08 1985

SOLID WASTE BRANCH
U.S. EPA, REGION V

Basil G. Constantelos
Director, Waste Management Division
U.S.E.P.A.
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Constantelos:

On October 1, 1985, I submitted a completed Part A application, Consent Agreement and Final Order.

I understand that this will allow FitzSimons Manufacturing Company (M.I.D. 005354949) to operate under interim status.

Should their arise any complications or questions, please contact me directly (313) 891-4800 ext. 87.

Thank you,



David R. Tyler
Plant Administrator

DRT:jm

cc: W. K. Howenstein

RECEIVED

OCT 07 1985

SOLID WASTE BRANCH
U.S. EPA, REGION V

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

July 16, 1981

EPA Region 5
RCRA Activities
P.O. Box 7861
Chicago, Illinois 60680

Dear Sir:

Received the "Notification of Hazardous Waste Activity" Packet and would like to explain our process to you, as our hazardous waste is not specifically identified in the listing.

Twice a shift, in our lead dipping operation, we skim the lead oxide and what is left of a blanket of zinc-chloride flux, into a container. At a later date, we melt this down to reclaim any lead that may be in this mixture. What is left of this is our generated hazardous waste.

As you can see from the report performed by CLOW HYDRO RESEARCH SERVICES, we are exceeding allowable limits of lead and zinc. At this time we are searching for a reliable disposal facility and are in need of the EPA IDENTIFICATION NUMBER. I would greatly appreciate a speedy response.

Thank you,

Robert Loveland
Robert Loveland
Chief Engineer

RL/amk

JUL 22 1981

JUL 22 1981

FitzSimons Manufacturing Company

ESTABLISHED 1916

M10005354949 TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

October 27, 1980

EPA - Region V
RCRA Activities
P.O. Box 7861
Chicago, Illinois 60680

Attention: Y. J. Kim

Regarding: FitzSimons Mfg. Co. - Det., Big Rapids Tube Division,
and West Branch Tube Div.

Gentlemen:

I am the Chief Engineer for the above three plants and I have to fill out the EPA forms for hazardous waste. On several occasions I have tried to contact you but always have received the recording and my calls have never been returned. It is impossible for me to answer the forms without answers to many of my questions.

Our Detroit plant no longer has a tinning operation. It was discontinued in March of this year. West Branch Tube Div. does not have and never had a tin line. Our Big Rapids Tube Div. plant is the only one that does have a tin line.

It would be greatly appreciated if you could contact me at 891-4800, ext. 74. My hours are 8:30 A.M. to 5:00 P.M., Mon. thru Friday. Because of the situation I am requesting more time along with answers to my questions.

Very truly yours,

FitzSimons Manufacturing Company

Robert Loveland (amk)

Robert Loveland
Chief Engineer

RL/amk

1/8/81 - talked to A.M. Kapinski

1/16/81 - 1:30 pm - finalized decision to notify where applicable

OCT 29 1980

J. Boyle

PLANT LOCATIONS: DETROIT • BIG RAPIDS • WEST BRANCH, MICHIGAN

FORM 1 GENERAL		ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program <i>(Read the "General Instructions" before starting.)</i>	I. EPA I.D. NUMBER <div style="border: 1px solid black; padding: 2px;"> F M I D 0 0 5 3 5 4 9 4 9 </div>
LABEL ITEMS <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">EPA I.D. NUMBER</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">III. FACILITY NAME</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">V. FACILITY MAILING ADDRESS</div> <div style="border: 1px solid black; padding: 2px;">VI. FACILITY LOCATION</div>		<div style="border: 1px solid black; padding: 10px; width: 100%;"> <p style="font-size: 24px; color: red; margin: 0;">RECEIVED</p> <p style="font-size: 18px; color: red; margin: 5px 0;">OCT 3 1985</p> <p style="color: red; margin: 0;">SWB - AIS</p> <p style="color: red; margin: 0;">U.S. EPA REGION V</p> </div> <p style="font-weight: bold; font-size: 14px; margin-top: 10px;">PLEASE PLACE LABEL IN THIS SPACE</p>	

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X			F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

C	1	SKIP	FITZSIMONS MANUFACTURING COMPANY	69
---	---	------	----------------------------------	----

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)				B. PHONE (area code & no.)			
C	2	TYLER DAVID PLANT ADMINISTRATOR	313	891	4800	55	

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX				B. CITY OR TOWN		C. STATE	D. ZIP CODE
C	3	3775 EAST OUTER DRIVE	45	DETROIT	MI	48234	

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER				B. COUNTY NAME			
C	5	3775 EAST OUTER DRIVE	45	WAYNE	70	45	
C. CITY OR TOWN				D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)	
C	6	DETROIT	40	MI	48234	54	

VII. SIC CODES (4-digit, in order of priority)													
A. FIRST					B. SECOND								
7	3	3	1	2	(specify)	TUBING PRODUCED FROM ROLLING MILLS	7	3	4	9	8	(specify)	TUBE FABRICATION - BENDING & SHAPING
C. THIRD					D. FOURTH								
7					(specify)		7					(specify)	

VIII. OPERATOR INFORMATION																														
A. NAME																														
8	F	I	T	Z	S	I	M	O	N	S	M	A	N	U	F	A	C	T	U	R	I	N	G	C	O	M	P	A	N	Y
B. Is the name listed in Item VIII-A also the owner?																														
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																														
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)																														
F - FEDERAL	M - PUBLIC (other than federal or state)	S - STATE	O - OTHER (specify)	P - PRIVATE	P	(specify)																								
D. PHONE (area code & no.)																														
3	1	3	8	9	1	4	8	0	0																					
E. STREET OR P.O. BOX																														
3	7	7	5	E	A	S	T	O	U	T	E	R	D	R	I	V	E													
F. CITY OR TOWN																														
D	E	T	R	O	I	T																								
G. STATE																														
M	I																													
H. ZIP CODE																														
4	8	2	3	4																										
IX. INDIAN LAND																														
Is the facility located on Indian lands?																														
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO																														


X. EXISTING ENVIRONMENTAL PERMITS													
A. NPDES (Discharges to Surface Water)					D. PSD (Air Emissions from Proposed Sources)								
9	N				9	P							
B. UIC (Underground Injection of Fluids)					E. OTHER (specify)								
9	U												
C. RCRA (Hazardous Wastes)					E. OTHER (specify)								
9	R	M	I	D	0	0	5	3	5	4	9	4	9

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

FITZSIMONS MANUFACTURING IS A LEADER IN TUBE FABRICATION, SPECIALIZING IN A RANGE OF 3/8" O.D. THROUGH 3" O.D. WELDER STEEL TUBING. ENGINEERING SERVICES ARE AVAILABLE TO AID IN DESIGN AND PRODUCTION FEASIBILITY STUDIES. WE HAVE TOOL ROOM FACILITIES STAFFED BY EXPERIENCED DIE MAKERS. OUR COMPANY SPECIALIZES IN MANUFACTURING GAS FILLER NECK TUBING ASSEMBLYS.

XIII. CERTIFICATION (see instructions)									
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.									
A. NAME & OFFICIAL TITLE (type or print)					B. SIGNATURE			C. DATE SIGNED	
R.F. SEARS PLANT MGR.								10-1-85	

COMMENTS FOR OFFICIAL USE ONLY									

U.S. ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS WASTE PERMIT APPLICATION
Consolidated Permits Program
(This information is required under Section 3005 of RCRA.)

I. EPA I.D. NUMBER
F M 1 0 0 0 5 3 5 4 9 4 9
1 1 2 13 14 15

FOR OFFICIAL USE ONLY

APPLICATION APPROVED	DATE RECEIVED (yr., mo., & day)	COMMENTS
23	24	29

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below (mark one box only) to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION (place an "X" below and provide the appropriate date)

☐ 1. EXISTING FACILITY (See instructions for definition of "existing" facility. Complete item below.)

☒ 2. NEW FACILITY (Complete item below.)

FOR EXISTING FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED (use the boxes to the left)

FOR NEW FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR IS EXPECTED TO BEGIN

C 8 YR. MO. DAY 85 07 05

B. REVISED APPLICATION (place an "X" below and complete Item I above)

☐ 1. FACILITY HAS INTERIM STATUS

☒ 2. FACILITY HAS A RCRA PERMIT

III. PROCESSES - CODES AND DESIGN CAPACITIES

A. PROCESS CODE - Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process (including its design capacity) in the space provided on the form (Item III-C).

B. PROCESS DESIGN CAPACITY - For each code entered in column A enter the capacity of the process.

1. AMOUNT - Enter the amount.
2. UNIT OF MEASURE - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PRO- CESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS	PRO- CESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:			Treatment:		
CONTAINER (barrel, drum, etc.)	S01	GALLONS OR LITERS	TANK	T01	GALLONS PER DAY OR LITERS PER DAY
TANK	S02	GALLONS OR LITERS	SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS	INCINERATOR	T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS	OTHER (Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)	T04	GALLONS PER DAY OR LITERS PER DAY
Disposal:					
INJECTION WELL	D79	GALLONS OR LITERS			
LANDFILL	D80	ACRE-FEET (the volume that would cover one acre to a depth of one foot) OR HECTARE-METER			
LAND APPLICATION	D81	ACRES OR HECTARES			
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY			
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS			
UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G	LITERS PER DAY	V	ACRE-FEET	A
LITERS	L	TONS PER HOUR	D	HECTARE-METER	F
CUBIC YARDS	Y	METRIC TONS PER HOUR	W	ACRES	B
CUBIC METERS	C	GALLONS PER HOUR	E	HECTARES	Q
GALLONS PER DAY	U	LITERS PER HOUR	H		

EXAMPLE FOR COMPLETING ITEM III (shown in line numbers X-1 and X-2 below): A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY	FOR OFFICIAL USE ONLY	LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY	FOR OFFICIAL USE ONLY
		1. AMOUNT (specify)	2. UNIT OF MEASURE (enter code)			1. AMOUNT	2. UNIT OF MEASURE (enter code)
X-1	S 0 2	600	G	5			
X-2	T 0 3	20	E	6			
1	S 0 1	5500	G	7			
				8			
				9			
3							
4				10			

III. PROCESSES (continued)

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES (code "T04"). FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

IV. DESCRIPTION OF HAZARDOUS WASTES

A. EPA HAZARDOUS WASTE NUMBER — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number(s) from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES**1. PROCESS CODES:**

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV (shown in line numbers X-1, X-2, X-3, and X-4 below) — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES			
				1. PROCESS CODES (enter)			
X-1	K 0 5 4	900	P	T	0	3	D 8 0
X-2	D 0 0 2	400	P	T	0	3	D 8 0
X-3	D 0 0 1	100	P	T	0	3	D 8 0
X-4	D 0 0 2						included with above

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

EPA I.D. NO. (enter from page 1)														
S													T/A	C
F														6
												17	18	19

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

All existing facilities must include photographs (*aerial or ground-level*) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (*see instructions for more detail*).

LATITUDE (degrees, minutes, & seconds)

83	02	036
55 56	67 68	69 71

LONGITUDE (degrees, minutes, & seconds)

0	4	2	2	8	0	3	0
72	-	76	75	76	77	-	79

☐ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER													2. PHONE NO. (area code & no.)																			
C	FITZSIMONS MANUFACTURING COMPANY																							3	13	8	9	1	4	8	0	0
E																								53	56	58	59	61	62	65		
13	16	3. STREET OR P.O. BOX										4. CITY OR TOWN										5. ST.		6. ZIP CODE								
C	3775 E. OUTER DR.										C	DETROIT										M	I	48234								
F											G																					
17	18											45	46	48	49	51	52	57	58	59	61											

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
-------------------------	--------------	----------------

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
R.F. SEARS		10-1-85

NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

EPA I.D. NUMBER (enter from page 1)													FOR OFFICIAL USE ONLY																																																																																																																
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[illegible]

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

EPA I.D. NO. (enter from page 1)															
S												T/A	C		
F														6	
1	2											13	14	15	

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

VI. PHOTOGRAPHS

All existing facilities must include photographs (*aerial or ground--level*) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (*see instructions for more detail*).

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, & seconds)										LONGITUDE (degrees, minutes, & seconds)									
83 02 03.6					042 28 03.0														
65 66 67 68 69 70 71					72 73 74 75 76 77 78 79														

VIII. FACILITY OWNER

- ☐ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER															2. PHONE NO. (area code & no.)																
FITE SIMONS MANUFACTURING COMPANY															313-891-4800																
3. STREET OR P.O. BOX															4. CITY OR TOWN										5. ST.			6. ZIP CODE			
3775 E. OUTER DR.															DETROIT										MI			48234			

IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
-------------------------	--------------	----------------

X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
JAMES E. HARRIS	[Signature]	10-1-68

munie

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

July 5, 1984

United States Environmental
Protection Agency
Region V
230 South Dearborn St.
Chicago, Illinois 60604

Attention: Mr. Karl J. Klepitsch, Jr., Chief
Waste Management Branch

Regarding: 1983 Hazardous Waste Biennial Report
MID-005354949

Dear Mr. Klepitsch,

We have sent to the RCRA Activities EPA Region V our
1983 Hazardous Waste Biennial Report. Our company merged
with another in early 1983 and there was a change of staff.

In the process of new personnel this report was overlooked.
If you have any questions concerning the enclosed report,
please contact the undersigned.

Respectfully,

FITZSIMONS MANUFACTURING CO.

John Antos (A M L)

John Antos
V.P. Engineering

JA/aml

cc: RCRA Activities
EPA Region V



ENVIRONMENTAL PROTECTION AGENCY

GENERATOR BIENNIAL HAZARDOUS WASTE REPORT FOR 1983

This report is for the calendar year ending December 31, 1983.
Read All Instructions Carefully Before Making Any Entries on Form

I. NON-REGULATED STATUS

Complete this section only if you did not generate regulated quantities of hazardous waste at any time during the 1983 calendar year. Circle the one code at right that best describes your status during the entire year (see instructions for explanation of codes).

- 1 Non-handler
 2 Small Quantity Generator
 4 Exempt
 5 Beneficial Use
 9 Closed

Please print/type with elite type (12 characters per inch)

II. GENERATOR'S EPA I.D. NUMBER

F M I D 0 0 5 3 5 4 9 4 9 1
 1 2 13 14 15

T/A C

This Installation's Non-Regulated Status is Expected to Apply:

- ☒ For 1983 Only ☐ Permanently
☐ Other _____

C303 ENTRY (OFFICIAL USE ONLY): ☐

III. NAME OF INSTALLATION

F I T Z S I M O N S M A N U F A C T U R I N G C O M P A N Y
 30 69

IV. INSTALLATION MAILING ADDRESS

3 3 7 7 5 E O U T E R D R I V E
 15 16 45

Street or P.O. Box

4 D E T R O I T M I 4 8 2 3 4
 15 16 41 42 47 51

City or Town

State Zip Code

V. LOCATION OF INSTALLATION (if different than section IV above)

5
 15 16 45

Street or Route number

6
 15 16 41 42 47 51

City or Town

State Zip Code

VI. INSTALLATION CONTACT

2 A N T O S J O H N
 15 16 45

Name (last and first)

3 1 3 8 9 1 4 8 0 0
 46 55

Phone No. (area code & no.)

VII. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

John Antos 7/5/84

Print/Type Name

Title

John Antos (Agent) 7/5/84

Signature of Authorized Representative

Date Signed

ENVIRONMENTAL PROTECTION AGENCY

Generator Biennial Hazardous Waste Report for 1983 (cont.)

This report is for the calendar year ending December 31, 1983.

Date rec'd:

Rec'd by:

VIII. GENERATOR'S EPA I.D. NO.

T/A C

G M I D O 0 5 3 5 4 9 4 9 1 1

X. FACILITY'S EPA I.D. NO.

F M I D Q 4 7 1 8 9 5 6 8 Gen. Oil Co.
16 M I D O 4 8 0 9 0 6 3 28 Wayne Dis.

IX. FACILITY NAME (specify facility to which all wastes on this page were shipped)

General Oil Company
Wayne Disposal

XI. FACILITY ADDRESS

12680 Beech Daly
Redford Twp., MI (Gen. Oil)
49350 N. Service Dr.
Belleville, MI 48111 (Wayne)

XII. TRANSPORTATION SERVICES USED

Great Northern Oil - 506 S. Vermont, Royal Oak 48067
Great Lakes Environmental - 22077 Mound Warren, MI 48091

XIII. WASTE IDENTIFICATION

Sequence #	Line #	A. Description of Waste	B. DOT Hazard code	C. EPA Hazardous Waste No. (see instructions)	D. Amount of Waste	E. Unit of Measure
29	1	Hazardous Waste Solid NOS/Contains Lead & Zinc	1 5 0 0 3 1	D 0 0 8 3 5 3 8 3 9 4 2 4 3 4 6 4 7 5 0 5 1	8 3 6 0	Gal.
	2	Cutting Oil		0 1 8 L	1 3 8 0 0	Gal.
	3	Sulfuric Acid (15%) 60Balm Water(85%) Iron(2%)	0 2	D 0 0 2	5 5 0 0	Gal.
	4	Waste Oil		0 2 1 1	7 5 0 0	Gal.
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					

XIV. COMMENTS (enter information by section number—see instructions)

See Page 3 of 3 for completed list of Facility Names and Transportation Services used.

ENVIRONMENTAL PROTECTION AGENCY

Generator Biennial Hazardous Waste Report for 1983 (cont.)

This report is for the calendar year ending December 31, 1983.

Date rec'd:

Rec'd by:

VIII. GENERATOR'S EPA I.D. NO.

G	M	I	D	0	0	5	3	5	4	9	4	9	1
1	2									13	14	15	

X. FACILITY'S EPA I.D. NO.

F	M	I	D	0	0	5	5	1	0	8	0	5
16	M	I	D	0	9	6	9	6	3	1	9	4

IX. FACILITY NAME (specify facility to which all wastes on this page were shipped)

Dearborn Refine Co.
Chem-Met

XI. FACILITY ADDRESS

3901 Wyoming (Dearborn)
Dearborn, MI 48121
18550 Allen Rd. (Chem-Met)
Wyandotte, MI 48192

XII. TRANSPORTATION SERVICES USED

Wooster Waste - 23331 Liberty, St. Clair Shores
Chem-Met - 18550 Allen Rd., Wyandotte, MI 48192
American Tank Service, Co. - 707 E. Lewiston, Ferndale, MI 48202

XIII. WASTE IDENTIFICATION

Sequence #	Line #	A. Description of Waste	B. DOT Hazard Code	C. EPA Hazardous Waste No. (see instructions)	D. Amount of Waste	E. Unit of Measure
29	32		33 34	35 38 39 42 43 46 47 50	51	59 60
	1					
	2					
	3					
	4					
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					

XIV. COMMENTS (enter information by section number—see instructions)

**A.3 Groundwater/
Soil Documents**

MID 005 254 949

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

February 25, 1985

Mr. Thomas M. Polasek
District Supervisor
Hasardous Waste Division
P.O. Box 128
Roscommon, MI 48653

Dear Sir:

In compliance with your request for documentation and corrections, in your letter of October 1984.

Enclosed are copies of the chemical analysis of the waste oil and sludge in question.

The analysis of these two wastes indicate that the hasardous waste number was used incorrectly. The fact that the same sludge, without the oil dry particles and other non chemical waste, accumulated at the bottom of the holding tanks is sold to Dearborn Refinery Co., 3901 Wyoming St., Dearborn, MI MID # 005510805. This company re-refines the waste and then is resold.

In addition, FitzSimons Mfg. Co. is in the process of implementing a treating system to eliminate Zinc and Lead contaminants from our waste water, which is being received by the City of Big Rapids Sewage Treatment Facility. This process is in the lab testing and flow measurement stages. At this writing, we do not yet have a date for completion.

Along with the work being done on this system, we also are working on the requirements to be in compliance with the areas in (Section C Pretransport Requirements 40-CFR Part 262.SUB Part C.) at the time of your last visit. Because the amount of waste and concentration of Zinc and Lead from the new treatment have yet to be determined, by correcting these items when the new system is started. We feel that we will then comply to all regulations pertaining to our site.

CC EPA
2/25/85

PLANT LOCATIONS: DETROIT • BIG RAPIDS • WEST BRANCH, MICHIGAN

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

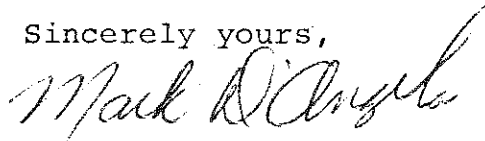
3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

In conclusion, I would like to state that although the wrong procedure and paperwork was used in the transportation and disposal of the waste shipments in question, the waste itself was handled correctly. With the help and information you have given us, these errors will not be repeated.

Sincerely yours,



Mark D'Angelo
Plant Engineer
FitzSimons Mfg. Co.
Big Rapids Tube Division
600 DeKrafft Ave.
Big Rapids, MI 49307

enclosure

Detroit Testing Laboratory, Inc.



8720 NORTHEND AVENUE OAK PARK, MICHIGAN 48237 (313) 398 2100

REPORT NUMBER	CLIENT'S ORDER	DATE REC'D.	REPORT DATE
310097-B	5098	October 6, 1983	October 11, 1983

REPORT FOR

FITZSIMMONS MFG. CO.
3775 E. Outer Drive
Detroit, MI 48234
Attn: Vincent Neagher

*Sample from acid tank
at BATT*

DESCRIPTION OF SAMPLE:

One (1) Sludge Sample.

WORK REQUESTED:

1. Chemical Analysis
 - A. Analyze for trace metals if any to be found.



TEST RESULTS:

1. Chemical Analysis:

Constituent, as		Composition of Dried Sludge % By Weight
Al ₂ O ₃	ALUMINA oxide	0.25
SiO ₂	SILICON DIOXIDE	3.3
MnO ₂	MANGANESE	0.19
PbO	LEAD OXIDE	0.58
SnO	TIN	1.3
CaO	CA	0.01
V ₂ O ₅	Vanadium	0.11
CaO	Calcium	0.05
MgO	MAGNESIUM	0.03
Na ₂ O	Sodium	12.5
K ₂ O	POTASSIUM	1.9

SLUDGE - MAY BE CLEANING COMPS

MAY BE FROM CLEANING COMPS

Continued on Page 2

TEST RESULTS CONTINUED:

1. Chemical Analysis Continued:

<u>Constituent, as</u>	<u>Composition of Dried Sludge % By Weight</u>
P ₂ O ₅ <i>phosphorus oxide</i>	0.33
Cl <i>chloride</i>	0.18
SO ₄ <i>sulfate</i>	15.3
Fe ₂ O ₃ <i>iron oxide</i>	Rem.

DETROIT TESTING LABORATORY, INC.

McCampbell

Donald A. Campbell, Manager
Chemical & Metallurgical Depts.

DAC/lgc



IS CHEMICAL INDUSTRIAL SERVICES INC.

2606-2616 CLIFFORD

DETROIT, MICHIGAN 48201

313-964-3119

MEMBERSHIPS IN:
AMERICAN CHEMICAL SOCIETY (ACS)
AMERICAN SOCIETY OF LUBRICATING ENGINEERS (ASLE)
ASSOCIATION OF ANALYTICAL CHEMISTS (ANACHEMS)
SOCIETY OF AUTOMOTIVE ENGINEERS (SAE)

20 YEARS EXPERIENCE IN:
INDUSTRIAL TESTING
ON SITE SAMPLING
CONSULTING
EXPERT TESTIMONY

REPORT NUMBER	P.O. NUMBER	DATE RECEIVED	REPORT DATE
1184-824	24579	11-5-84	11-15-84

FITZSIMONS MANUFACTURING COMPANY
3775 E. Outer Drive
Detroit, Michigan 48234

Attn: V. D. Meagher, P. A.

Sample of: Waste Oil.

Services Requested: Perform Chemical Analysis.

Results:

Flash Point °F	210 ⁺
PCB (ppm)	None Detected =0.5
Phenols (ppm)	=0.5
Water Content %	36.8
Sulfur %	0.21
Chlorine %	0.43
<u>Metals (ppm)</u>	
Phosphates	3.63
Nickel	=0.10
Zinc	5.8
Copper	4.2
Lead	0.22
Iron	73.5
Cadmium	0.08
Barium	4.5
Chromium	0.06
Selenium	=0.10
Silver	=0.10

ALL REPORTS ARE SUBMITTED AS CONFIDENTIAL PROPERTY OF CLIENTS
ANY AUTHORIZATION FOR PUBLICATION IS RESERVED PENDING OUR APPROVAL

(continued)

GIS

CHEMICAL INDUSTRIAL SERVICES INC.

2800 CLIFFORD

DETROIT, MICHIGAN 48201

313-964-3119

ATZSIMONS MANUFACTURING COMPANY
Report #1184-824
Page-2-

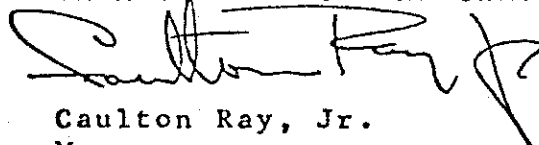
Results:(continued)

Metals (ppm)

Mercury	-----	=0.05
Arsenic	-----	=0.05.
Cyanide	-----	=1.0
Corrosion	-----	Non Corrosive
Infrared Spectra	-----	Enclosed

Note: = denotes less than.

CHEMICAL INDUSTRIAL SERVICES, INC.



Caulton Ray, Jr.
Manager

CR:rw

**A.4 Closure/
Post-Closure**

STATE OF MICHIGAN



NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
MARLENE J. FLUHARTY
KERRY KAMMER
J. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE

JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909

~~XXXXXXXXXXXX~~
David F. Hales, Director

June 27, 1988

RECEIVED
JUL 1 1988
OFFICE OF RCRA
Waste Management Div.
U.S. EPA, REGION 5

Mr. Raymond F. Sears, Plant Manager
FitzSimons Manufacturing Company
3775 East Outer Drive
Detroit, Michigan 48234

Dear Mr. Sears:

SUBJECT: Approval of Container Storage Area Closure Plan
MID 005 354 949
Consent Agreement and Final Order, Docket No. V-W-86-R74

The Waste Management Division has completed its review of your revised container storage area closure plan submitted October 28, 1987, pursuant to the December 19, 1986, Consent Agreement and Final Order.

Based upon an inspection made by Ms. Cheryl Howe on May 12, 1988, it has been determined that no soil sampling is required because the concrete is in very good condition, the storage area is indoors and only solid, lead wastes were stored.

The closure plan is hereby approved with the following stipulation:

FitzSimons Manufacturing Company shall notify the Waste Management Division Detroit District (Ms. Faye Mitchell at 313-344-4670) and Lansing Permits Section (Ms. Cheryl Howe at 517-373-2730) at least two work days in advance of cleaning the container storage area so staff may be present to observe.

Closure of RCRA interim status units does not release the company from any plant-wide corrective action responsibilities it may have under the Federal Hazardous and Solid Waste Amendments of 1984 (HSWA).

Mr. Sears
Page 2
June 27, 1988

If you have any questions, please contact Ms. Cheryl Howe of my staff at 517-373-2730.

Sincerely,


Alan J. Howard, Chief
Waste Management Division
517-373-2730

cc: Ms. Rich Traub, EPA
Ms. Marilyn Sabadaszka, EPA
Ms. Laura Lodisio, EPA
Ms. Faye Mitchell, Detroit District, WMD
Mr. Ken Burda, WMD/C&E File
Ms. Cheryl Howe, WMD

SWANSON ENVIRONMENTAL INC.



C + E File

cc: Faye Dade, WMD

Laura Lodisio, EPA

August 28, 1987

RECEIVED
SEP - 8 1987
U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

Michigan Department of Natural Resources
Hazardous Waste Division
P.O. Box 30028
Lansing, Michigan 48090

Attn: Cheryl Howe, Environmental Engineer

RE: Closure Plan
Fitzsimons Manufacturing Company
Detroit, Michigan
MID 005 354 949
Docket No.: V-W-86-R74

Pursuant to our telephone conversation on August 27, 1987, Swanson Environmental, Inc. (SEI) is preparing the Closure Plan for Fitzsimons Manufacturing Company and will be submitting a copy of the plan to you for review on September 4, 1987 as you indicated this date would be acceptable.

If you have any questions, comments, or concerns regarding the preparation of the Closure Plan for Fitzsimons, please do not hesitate to call.

Sincerely,

SWANSON ENVIRONMENTAL, INC.

John A Prokes
Environmental Scientist

JAP/cb

cc: Ray Sears, Fitzsimons Manufacturing

C+E File
xc: Faye Dade
Laura Lodisio, EPA

LAW OFFICES
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG
35TH FLOOR
400 RENAISSANCE CENTER
DETROIT, MICHIGAN 48243

TELEPHONE (313) 568-6800
TELECOPIER (313) 568-6594 TELEX: 23-0121

RECEIVED

AUG 11 1987

Waste Management
Division

RECEIVED

AUG 17 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT

August 6, 1987

Ms. Cheryl R. Howe
Environmental Engineer
Hazardous Waste Division
Michigan Department of Natural Resources
Ottawa Street Building-South Tower
P. O. Box 30038
Lansing, Michigan 48909

Re: Closure Plan - Fitzsimons Manufacturing Company

Dear Ms. Howe:

This letter is to confirm the discussions which we had in our August 4, 1987 meeting. In that meeting, both you and Fitzsimons Manufacturing Company ("Fitzsimons") agreed that it would be in the best interest of all concerned to approve and implement the Closure Plan as expeditiously as possible. To do so, Fitzsimons has agreed to resubmit its revised Closure Plan to you by August 17, 1987. This revised Closure Plan will address each of the eleven comments contained in the January 14, 1987 letter from Mr. William E. Muno, RCRA Enforcement Section, U.S. EPA.

Specifically with respect to the January 14th letter, you have indicated that the following will address the perceived inadequacies in the Fitzsimons Closure Plan:

1. Fitzsimons will insert into the Closure Plan a list of the hazardous waste codes applicable to the waste stored for recycling along with a description of the waste and the process which generated it to satisfy comment number 1.

2. Fitzsimons will include a drawing of the storage area and its location within the building with the Closure Plan. We have agreed that the specifics (i.e. dimension, scope, construction materials, presence of sumps, drains, curbing,

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

Ms. Cheryl R. Howe
August 6, 1987
Page 2

etc.) are not necessary considering that it was solid and not liquid waste that was stored. This information will satisfy comment number 2.

3. Fitzsimons will include within the Closure Plan a provision stating that closure will be completed within 90 days after commencement of closure activities. Fitzsimons will also provide a schedule of closure activities that need to be completed within the 90 days. This information will satisfy comment number 3.

4. Fitzsimons will send to MDNR with its revised Closure Plan a certification by a professional engineer of the condition of the storage pad area and photographs of the area. Assuming that the floor of the storage area is in good condition, Fitzsimons would be required to perform a surface decontamination by one of either of two methods:

- (a) Fitzsimons could scour the floor by grinding off the top layer of concrete until testing indicates absence of contamination.
- (b) Fitzsimons could steam and triple rinse the storage area after which tests must indicate absence of contamination.

Fitzsimons will perform tests for lead and zinc and will show that the storage area does not contain constituents which are EP toxic.

5. Fitzsimons will include with the Closure Plan a method providing for the decontamination of equipment used in implementing the Closure Plan.

6. Fitzsimons will provide in the revised Closure Plan an updated estimate of expected closure costs.

7. Fitzsimons will include within the Closure Plan a provision stating that Fitzsimons will agree to notify the Detroit District Staff or the Permit Staff two working days in advance of key closure activities.

If any of the above items differ significantly from what you perceived to be our discussion on August 4th, please call me immediately so that an adequate revised Closure Plan can

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

Ms. Cheryl R. Howe
August 6, 1987
Page 3

be submitted as quickly as possible. If you have any other comments or questions, please call me.

Very truly yours,

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

A handwritten signature in cursive script, reading "Brenda L. Beckett". The signature is written in dark ink and is positioned above the typed name and phone number.

Brenda L. Beckett
(313) 568-5440

BLB:mcp

cc: James G. Fausone, Esq.
Mr. David R. Tyler
Mr. Ray Sears

DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE DIVISION

STAFF REPORT

DAY	S	M	T	W	TH	F	S

- ☐ Complaint Inspection
☐ Compliance Inspection
☐ Construction Inspection
☐ Permitting Inspection
☐ PEAS Investigation

- ☐ PCB Report/Complaint
☐ Sampling Inspection
☐ Telephone Call
☒ Meeting Notes
☐ Other _____

WEATHER

TEMP

WIND

HUMIDITY

Brite Sun	Clear	Overcast	Rain	Snow
To 32	32-50	50-70	70-85	85 up
Still	Moder.	High	Report No.	
Dry	Moder.	Humid.		

☐ Act 64 _____
☐ Act 136 _____

☐ Act 245 _____
☒ RCRA _____

DATE	TIME
8/14/87	

COMPANY/FACILITY

ADDRESS/LOCATION

PARTICIPANTS

FACILITY NO.

STAFF

Ray Sears, Plant Manager - Detroit

Dave Tyler, Plant Superintendent - Big Rapids

Jim Lausone, Brenda Beckett - Attorneys - Dykema, Gossett, Spencer, Goodman & Trigg

CLOSURE PLAN MEETING

Closure plan requirements for lead dross (DIOE) hazardous waste storage area were clarified with company. Lead waste was stored in 55-gallon drums in solid, monolithic form (molten lead was poured into drums where it solidified) prior to recovery in the lead furnace located in the middle of the storage area.

for > 90 days

The waste has not been stored there for the last two years. The storage area is located inside the manufacturing building so it is not exposed to precipitation. The concrete floor is considered to be in good condition by the company.

The 1/14/87 EPA letter containing closure plan deficiencies provided by ADNR was discussed point by point. Fite-Simons representatives' questions centered mainly on the extent of sampling required to verify decontamination.

Since only solid-lead waste was stored, it was decided that removal of the surface layer or triple rinsing will be used to decontaminate the pads. The company will evaluate the methods to determine the most appropriate method for the closure plan. In either case, EPA fairly testing for lead and zinc will be done to determine the treatment/disposal method. The company will demonstrate that solidifying is not needed, if possible, via pack-demonstration and certification by a registered professional engineer. Otherwise, a curing and soil testing program will be implemented in accordance with the final clean up plan guidance. The company will submit their revised closure plan by 8/17/87. I committed to discussing with the EPA to find out whether a SARA

SIGNED

JUL 27 1987

5HE-12

ORIGINAL SENT BY
JUL 27 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David R. Tyler, Plant Superintendent
Fitzsimons Manufacturing Company
600 DeKraft Avenue
Big Rapids, Michigan 49307

Re: Closure Plan
Fitzsimons Manufacturing
Company
Detroit, Michigan
MID 005 354 949
Docket No: V-W-86-R-74

Dear Mr. Tyler:

On January 14, 1987, I forwarded a letter to your attention regarding the above referenced matter. At that time, it was required that you submit to the Michigan Department of Natural Resources (MDNR), three copies of a revised closure plan addressing all the deficiencies that were listed in an enclosure to that letter. The revised plan was to be sent to Ms. Cheryl Howe, Environmental Engineer, MDNR and all questions and concerns regarding the matter were to be directed to her at (517) 373-2730.

Based on conversations between Ms. Howe and my staff, no response has yet been received despite several attempts by Ms. Howe to coordinate with your attorney.

Please be advised that the Consent Agreement and Final Order (CAFO) which was entered into with the United States Environmental Protection Agency (U.S. EPA) on December 19, 1986, required Fitzsimons Manufacturing Company to close in accordance with an MDNR approved closure plan. Until such closure is complete, you are not considered to be in compliance with the conditions of the CAFO.

It is required that you submit the documents to the MDNR no later than 15 days after receipt of this letter. Failure to do so may subject you to further

enforcement by MDNR and/or U.S. EPA. If you have any questions, please contact Laura Lodisio of my staff at (312) 886-7090.

Sincerely yours,

ORIGINAL SIGNED BY
WILLIAM E. MUNO

William E. Muno, Chief
RCRA Enforcement Section

cc: Cheryl Howe, MMDR, Lansing
Fay Dade, MDNR, Northville

bcc: J. McPhee, ORC
LLODISIO:slowery:7/22/87

UNIT DATE	TYPIST	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. CHIEF	SECT. CHIEF	HWEB CHIEF	WMD DIR
	J.L. 7-22-87	W.E. Muno 7-22-87		Rev 7-22-87	AP 7-23-87	WEM 7/23/87		

JAN 14 1987

5HE-12

David R. Tyler, Plant Superintendent
FitzSimons Manufacturing Company
600 DeKraft Avenue
Big Rapids, Michigan 49307

Re: Closure Plan
FitzSimons Manufacturing Co.
Detroit, Michigan
MID 005 354 949
Docket No.: V-W-86-R74

Dear Mr. Tyler:

This is in response to the closure plan submitted by FitzSimons Manufacturing Company to comply with the Consent Agreement and Final Order (CAFO) which was executed by the Regional Administrator, Region V, United States Environmental Protection Agency (U.S. EPA) on December 19, 1986. Please be advised that on October 30, 1986, the State of Michigan was granted final authorization by the Administrator of the U.S. EPA pursuant to Sections 3006(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. For this reason, the closure plan was forwarded to the Michigan Department of Natural Resources (MDNR) for review and approval/denial, as appropriate.

On January 5, 1987, the MDNR submitted their comments to my staff regarding the closure plan. It was indicated that the plan is not approvable as currently written. The deficiencies are listed in the enclosure to this letter. A fully revised plan which incorporates the required information should be provided, rather than a letter which addresses the deficiencies point by point. Three (3) copies of the revised plan should be submitted to:

Cheryl Howe, Environmental Engineer
Michigan Department of Natural Resources
Hazardous Waste Division
P. O. Box 30028
Lansing, Michigan 48090

Furthermore, all questions and/or concerns you may have regarding the approval of the plan should be directed to Ms. Howe. Her phone number is (517) 373-2730.

As required by the CAFO, once the closure plan has been approved by the MDNR, FitzSimons Manufacturing Company is required to implement the plan as approved

and submit to the Regional Administrator, certification of closure pursuant to the requirements of 40 CFR 265.115 and the Michigan Hazardous Waste Management Act, 1979, P.A. 64; R299.1103, Rule 1003(1)(m).

Your cooperation in resolving this matter is appreciated. If you have questions regarding this letter, please contact Laura Lodisio of my staff at (312) 886-7090.

Sincerely,

**ORIGINAL SIGNED BY
WILLIAM E. MUNO**

William E. Muno, Chief
RCRA Enforcement Section

Enclosure

cc: Ken Burda/Cheryl Howe, MDNR, Lansing
Ben Okuwumbua/Faye Dade, MDNR, Detroit

bcc: J. McPhee, ORC
L. Jereza, SWB

5HE-12:LLODISI0:ssmith:6-7090:1/13/87

	TYPIST	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. CHIEF	SECT. CHIEF	HWES CHIEF	ADMD DIR
INST. DATE	AP 1-13-87	LL 1/13/87		RCR 1-13-87	ap 1-13-87	WEH 1-13-87		

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909

~~RONALD O. SKOOG, Director~~
XXXXXXXXXXXXXXXXXXXX

Gordon E. Guyer, Director
January 5, 1987

NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
MARLENE J. FLUHARTY
GORDON E. GUYER
KERRY KAMMER
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE

RECEIVED
JAN 08 1987

RECEIVED

SOLID WASTE DIVISION
U.S. EPA, REGION V

JAN 12 1987

SWD - MID

U.S. EPA REGION V

Mr. Karl. E. Bremer, Chief
Technical Programs Section, 5HS-JCK-13
U.S. EPA - Region V
230 South Dearborn
Chicago, Illinois 60604

Re: Closure Plan
FitzSimons Manufacturing Co.
Detroit, Michigan
MID 005 354 949

Dear Mr. Bremer:

We have reviewed the above-referenced closure plan submitted by the company as part of an enforcement case. The plan is not approvable as currently written. The deficiencies are listed in the attachment to this letter.

A fully revised plan which incorporates the required information should be provided, rather than a letter which addresses the deficiencies point by point.

In addition to notifying the company of these closure plan deficiencies, they should also be advised of any corrective action obligations they have under HSWA.

Any questions regarding this letter should be addressed to me or Becky Kraai, the assigned geologist, at the number below.

Sincerely,

Cheryl Howe

Cheryl Howe, Environmental Engineer
Technical Services Section
Hazardous Waste Division
517-373-2730

Attachment

cc: Ms. Lorna Jereza, EPA
Ms. Laura Lodisio, EPA
Ms. Rose Freeman, EPA
Detroit District, HWD
Mr. Ken Burda/C&E File

FITSIMONS MANUFACTURING CO.
MID 005 354 949

1. The closure plan must indicate the hazardous waste code(s) and name(s) of each hazardous waste type stored in containers, currently as well as in the past, at the facility. The plan only references removal of a lead furnace.
2. To allow evaluation of the proposed closure method, drawings of the container storage areas should be included in the plan that show their design (i.e., dimensions, slope, construction materials, presence of sumps, drains, curbing, etc.). A drawing should also be provided which shows the location of the storage areas on the plant site.
3. The original closure plan specifies February 1, 2005 as the closure date. An amendment to the plan, states "no closure activities, partial or final, are planned at this time; however, for the purposes of Final Closure will begin within 30 days of approval of the plan ...[sic]" The actual closure date for the storage areas should be clarified.
4. Closure of the storage areas should include some type of sampling (after removal of wastes and pad cleaning) to verify that they are not contaminated. This sampling will vary based on the condition of the storage area:
 - 1) At a minimum, sampling will be needed in any low areas of the pad and access ramps to the pad.
 - 2) If the pad has minor cracking, the cracked areas need to be cored and sampled along with the low areas and access ramp.
 - 3) If the pad has major cracking or is in poor condition, sampling will be needed over the entire pad, on a random sampling grid. This grid should include sampling in areas outside and surrounding the pad when contamination is likely.
 - 4) If the pad is in good condition and curbing is inadequate, sampling will be needed in areas surrounding the pad.
 - 5) A visual inspection may also indicate suspect areas which will require sampling.
5. To evaluate the degree of contamination on the pad, the following procedure could be used. Other proposals may be accepted if technically justified. A proposed sampling and analytical plan must be specified in the closure plan.
 - 1) If non-organic sampling is needed, such as metals analyses, then background sampling (a minimum of four samples per soil horizon) should be used to account for natural occurrences and variability within each distinctive soil horizon. Background samples must be collected in an area which can reasonably be

expected to be uncontaminated. For metals analysis, a total metals (dry weight, mg/kg) test procedure is recommended.

- 2) After background is established, contamination would be determined by using a Students' t-test at the 95% level of confidence.
 - 3) If organics sampling is needed, the area can be considered clean if the samples show no detectable levels of organics.
6. When sampling, composite sampling should not be used.
 7. A more detailed procedure should be included in the plan for decontaminating the storage areas. The plan states "any solids found on the cement in the storage areas will be scrapped [sic] up, swept by use of a floor sweeper with scouring attachments, and the residues will be put into drums for disposal as previously mentioned." The plan should clarify whether scouring will be wet or dry. If the storage areas are washed, more information regarding the method to be used must be provided. Wash waters should be collected and an analysis made to determine proper disposal.
 8. Procedures for decontamination of equipment used in closure activities should be included (40 CFR 265.114).
 9. The closure plan should state that documentation supporting the independent licensed professional engineer's certification will be submitted with the certification as per 40 CFR 265.115. The information to be submitted should be specified.
 10. The discrepancy in the closure cost estimates must be rectified. The estimate in the original plan (for 100 barrels) is \$11,032. Financial assurance is for \$10,000. The amendment to the closure plan has a new closure cost estimate of \$10,000 for 90 barrels. If closure is based on a maximum of 90 barrels, then the maximum waste inventory should match the financial estimation (F-1c).
 11. A copy of Michigan's draft "How Clean is Clean" document is attached for the company's use in developing a sampling and analysis plan for closure.

YELLOW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
SHS-JCK-13

OCT 09 1986

Alan J. Howard, Chief
Technical Services Section
Hazardous Waste Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

RE: Closure Plan

Fitz Simons Mfg. Co.
Detroit, Michigan
MID 005 354 949

Dear Mr. Howard:

Enclosed is/are one copy(s) of a closure plan for the referenced facility. Please perform a technical evaluation of the plan, and provide us your comments by November 7, 1986.

If you have any questions on the closure plan, please contact L. M. Sereza of my staff, at (312) 886-7457 or 886-6151

Sincerely,

Karl E. Bremer

Karl E. Bremer, Chief
Technical Programs Section

Enclosure(s)

cc: Mary Higgins

	TYP.	AUTH.	IL. CHIEF	IN. CHIEF	MI. CHIEF	MN/WI CHIEF	OH. CHIEF	TPS CHIEF	WA CHIEF
INIT. DATE	<i>J. Woods</i> 10/8/86	<i>[Signature]</i> 10/8/86			<i>[Signature]</i> 10/8/86				



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
SHS-JCK-13

OCT 09 1986

Alan J. Howard, Chief
Technical Services Section
Hazardous Waste Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

RE: Closure Plan
Fitz Simons Mfg. Co.
Detroit, Michigan
MID 005 354 949

Dear Mr. Howard:

Enclosed is/~~are~~ one copy(s) of a closure plan for the referenced facility. Please perform a technical evaluation of the plan, and provide us your comments by November 7, 1986.

If you have any questions on the closure plan, please contact L. M. Sereza ✓
of my staff, at (312) 886-7457 or 886-6151

Sincerely,

A handwritten signature in cursive script that reads "Karl E. Bremer".

Karl E. Bremer, Chief
Technical Programs Section

Enclosure(s)

cc: Mary Higgins

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

RECEIVED

OCT 09 1986

U.S. EPA REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT

October 7, 1986

Ms. Laura Lodisio
U.S. EPA Region V
Waste Management Division
230 South Dearborn St.
Chicago, Ill 60604

Dear Ms. Lodisio:

Attached are two (2) amendments to the FitzSimons Manufacturing Company's Closure Plan. These amendments are written so that they will replace the section that they are amending.

If I can be of any further assistance, please contact me directly at (616) 796-2691.

Very Truly Yours,

D. R. Tyler
Plant Superintendent
FitzSimons Manufacturing Company

enclosure

Amendment A

*Amendment to section F-1b Partial and Final Closure Activities [40 CFR 265.112 (a) (1) and (4)]

No closure activities, partial or final, are planned at this time; however, for the purposes of Final Closure will begin within 30 days of the approval of the plan for all hazardous waste storage areas at FMC. When closure does occur, the procedures presented in section F-1d will be used. If hazardous waste storage in any of the hazardous waste storage areas is in some way changed during the life of the facility, the closure plan will be modified accordingly.

Amendment B

*Amendment to section F-4 Closure Cost Estimate [40 CFR 265.142]

Table F.1 outlines the determination of the total cost of closure, which is estimated not to exceed \$10,000.00. This cost estimate will be updated annually. The assumptions made in the cost estimate are as follows:

1. Removal of final waste inventory. Transportation and disposal costs for the 90 drums from the hazardous waste drum storage areas is estimated to be \$97.00/drum. Any solids picked up during decontamination of the storage areas floors will be added to a drum that already contains waste.
2. Decontamination of Equipment. Decontamination costs for removal of the lead furnace total \$360.00. This involves 3 maintenance personnel working together for 8 hours.
3. Decontamination of floors in storage area #1 and #2. Decontamination costs for the floors totals \$30.00, this involves 1 person working for 1 hour in each storage area.
4. Supervision. All closure activities will be supervised by FMC at a labor rate of \$20.00/Hour.
5. Closure Certification. The cost of certification of closure by an independent professional engineer is estimated on the basis of a labor rate of \$50.00/Hour.
6. Total Cost. Total costs were calculated by adding \$70.00 administrative costs.

TABLE F-1
CLOSURE COST ESTIMATE

TRANSPORTATION AND DISPOSAL	
90 BARRELS @ \$97.00/BARRELS	\$8730.00
REMOVAL OF LEAD FURNACE	
24 HOURS @ \$15.00/HOUR	360.00
DECONTAMINATION OF FLOORS IN STORAGE AREA #1 AND #2	
2 HOURS @ \$15.00/HOUR	30.00
SUPERVISION AND FMC CERTIFICATION	
15 HOURS @ \$20.00/HOUR	300.00
INDEPENDENT P.E. CERTIFICATION	
4 HOURS @ \$50.00/HOUR	200.00

SUBTOTAL	\$9,620.00
ADMINISTRATIVE EXPENSE	70.00
TOTAL CLOSURE COST	\$9,690.00
1985 adjustment	
\$10,690 X 0.032	310.00

NEW TOTAL CLOSURE COST	\$10,000.00

SEP 29 1986

Review of Closure Plan

William E. Muno, Chief
RCRA Enforcement Section

ORIGINAL SIGNED BY
WILLIAM E. MUNO

Karl Bremer, Chief
Technical Programs Section

Attached is a copy of Fitzsimons Mfg., Inc., Closure Plan for their hazardous waste container storage area. The Closure Plan was submitted to satisfy the requirements set forth in an Administrative Order. It is requested that a member of your staff review the plan and coordinate any comments with Ms. Laura Lodisio of my staff.

Attachment

5HE-12:LLODISIO:ssmith:6-4583:9/25/86

	TYPIST	ADMIN	OTHER STAFF	ENV. CHIEF	SECT. SECT	SECT. CHIEF	HWEB CHIEF	WORLD CHIEF
INT. DATE	AP 9-25-86	LL 9/25/86		RL 9-25-86	AD 9/26/86	LYEN 9/14/86		

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

RECEIVED
NOV 27 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

November 17, 1987

Ms. Cheryl Howe
Environmental Engineer
Michigan Department of Natural Resources
Waste Management Division
South Ottawa Building
P.O. Box 30028
Lansing, Michigan 48090

RE: Closure Plan Amendments
FitzSimons Manufacturing Company, Detroit, Michigan
MID-005-354-949
Docket No. V-W-86-R74

Dear Ms. Howe:

Enclosed please find a letter from the chief financial officer of FitzSimons Manufacturing pertaining to Appendix B of our Closure Plan. Please advise if this is all that is required in accepting our plan.

Thank you,



Raymond F. Sears
Plant Manager

RFS:jm

WA MGMT.DI

18 NOV 87 2:4

PLANT LOCATIONS: DETROIT • BIG RAPIDS MICHIGAN

C-E File

cc: Ben Okunmabua

Faye Dade
Detroit District

Laura Lelise, EPA

Rich Traub, EPA

Becky Kocis

APPENDIX B
FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234
(313) 891-4800 • TELEX: 23-0564

November 16, 1987

Ms. Cheryl Howe
Environmental Engineer
Michigan Department of Natural Resources
Waste Management Division
South Ottawa Building
P.O. Box 30028
Lansing, Michigan 48090

RE: Closure Plan Amendments
FitzSimons Manufacturing Company, Detroit, Michigan
MID-005-354-949
Docket No. V-W-86-R74

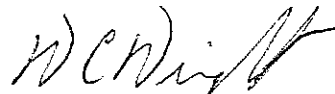
Dear Ms. Howe:

Please accept this letter as our guarantee that, in the event of the closure of the Detroit plant of FitzSimons Manufacturing Company, the company would have sufficient resources to pay the costs of the clean-up required at that time. It is our understanding that the current estimate of the amount of such costs is \$14,250.00.

If any other information is needed, please let me know.
Thank you for your cooperation.

Sincerely,

FITZSIMONS MANUFACTURING CO.



Wayne C. Wright
Secretary/Treasurer

WASTEMGMT.DI

18 NOV 87 2: 4

PLANT LOCATIONS: DETROIT • BIG RAPIDS • MICHIGAN

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

RECEIVED

NOV 06 1987

October 28, 1987

SOLID WASTE BRANCH
U.S. EPA REGION V

xc: Ben Okunmabua/
Faye Dade
Detroit District, WMD

Laura Lodisio, EPA
Rich Traub, EPA

Michigan Department of Natural Resources
Waste Management Division
South Ottawa Building
P.O. Box 30028
Lansing, Michigan 48090

Attn: Cheryl Howe, Environmental Engineer

RE: Closure Plan Amendments
FitzSimons Manufacturing Company
Detroit, Michigan
MID 005 354 949
Docket No.: V-W-86-R74 1, TSD, PA

RECEIVED
NOV 06 1987
U. S. EPA, REGION V
SWB - PMS

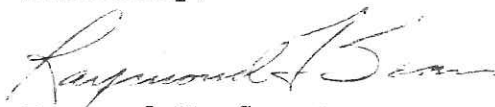
Enclosed please find for your review one copy of the Closure Plan prepared for the hazardous waste storage area at FitzSimons Manufacturing Company, Detroit, Michigan.

This plan incorporates the deficiency comments listed in a letter from Mr. William E. Muno, Chief RCRA Enforcement Section, to FitzSimons Manufacturing Company in January, 1987.

Upon your approval of the revised plan, a final Closure Plan will be submitted and implemented accordingly.

If you have any questions, comments, or concerns, please contact me.

Sincerely,


Raymond F. Sears
Plant Manager

RFS:jm

RECEIVED

OCT 30 1987

Waste Management
Division

PLANT LOCATIONS: DETROIT • BIG RAPIDS MICHIGAN

CLOSURE PLAN, POST-CLOSURE PLAN
AND FINANCIAL REQUIREMENTS
40 CFR PART 265, SUBPART G

FITZSIMONS MANUFACTURING COMPANY
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234

EPA FACILITY ID NUMBER - MID005354949

OCTOBER 28, 1987



RECEIVED

OCT 30 1987

Waste Management
Division

SECTION F
CLOSURE PLAN, POST-CLOSURE PLAN, AND FINANCIAL REQUIREMENTS

This section is submitted in accordance with the requirements of 40 CFR Part 265, Subpart G. This plan identifies all steps necessary to completely close the Fitzsimons Manufacturing Company (FMC) hazardous waste storage areas at the end of their intended operating life. A post-closure plan is not required because this is not a disposal facility and all wastes will be removed at closure.

FMC will maintain an on-site copy of the approved closure plan and all revisions of the plan until the certification of closure completeness has been submitted and accepted by the Hazardous Waste Division Chief (MDNR). FMC will notify the MDNR at least 180 days prior to the date final closure is expected to begin. Upon completion of closure, FMC will submit to the MDNR a certification by both FMC and a local independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan as is required by 40 CFR 265.115. Documentation supporting the independent licensed professional engineer's certification will be submitted with the certifications as per 40 CFR 265.115. Certification will include documentation of activities, test results, observations, and evaluation procedures.

F-1 CLOSURE PLAN [40 CFR Part 265, Subpart G]

F-1a Closure Performance Standard [40 CFR 265.111]

This closure plan has been designed to ensure that the facility will not require further maintenance and controls, to minimize or eliminate threats to human health and the environment, and to avoid the post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground or surface waters or to the atmosphere. The following sections discuss, in detail, efforts to be made at FMC to satisfy the closure performance standard.

F-1b Partial and Final Closure Activities [40 CFR 265.112
(a)(1) and (4)]

The expected year of closure, Spring, 1988, has been chosen as the closure date for all hazardous waste storage areas at FMC. When closure does occur, the procedures presented in Section F-1d will be used. If hazardous waste storage in the hazardous waste storage area is in some way changed during the life of the facility, the closure plan will be modified accordingly.

F-1c Maximum Waste Inventory [40 CFR 265.112 (a)(2)]

The area used for storage of hazardous waste and containing the lead furnace are shown in Figure 1. The storage area is

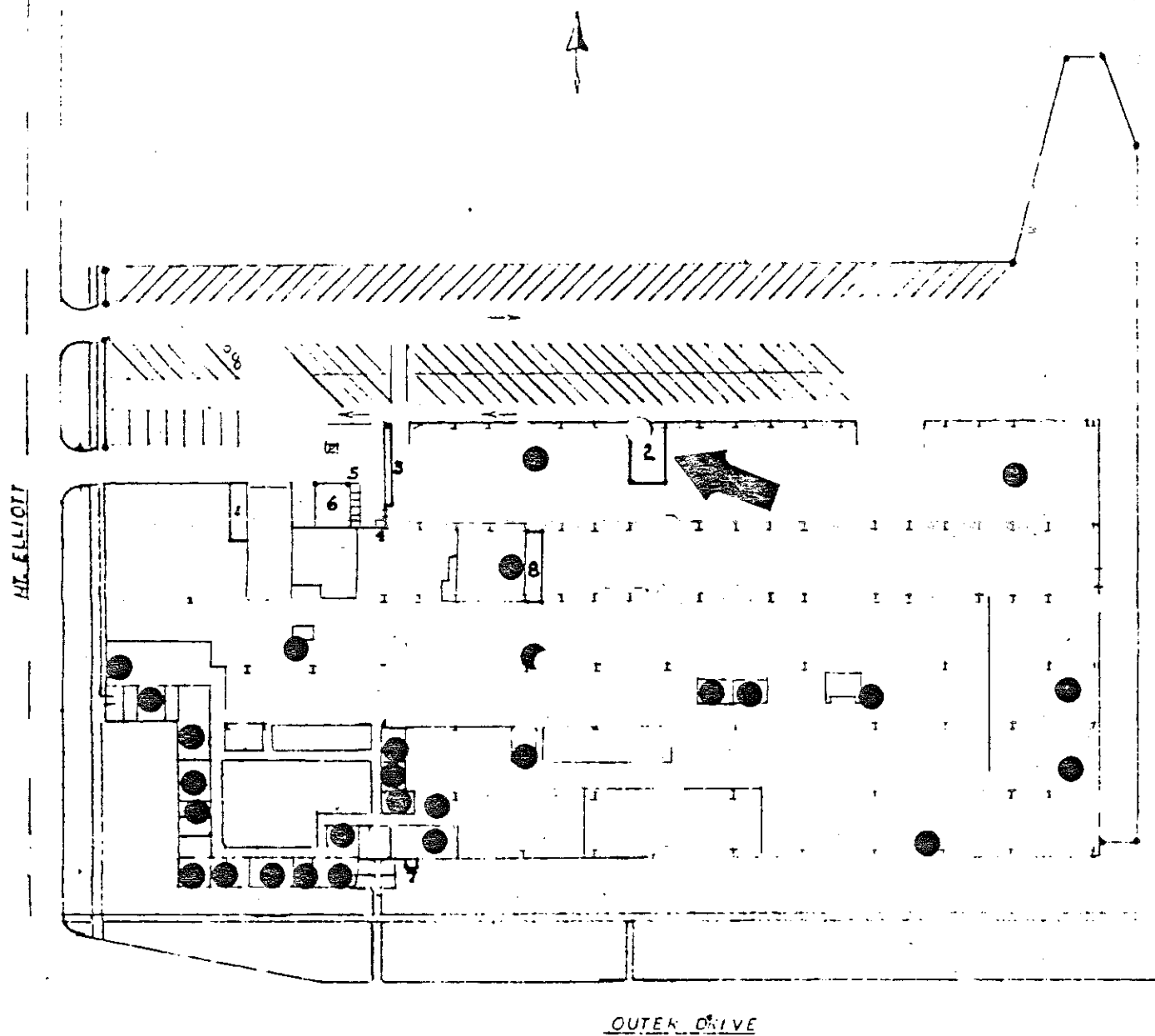


Figure 1. Hazardous Waste Storage Area
Fitzsimmons Manufacturing
Detroit, Michigan

an 18 foot wide by 24 foot long area set aside in the middle of the building along the north wall. The area consists of a 6 to 8 inch concrete floor with no slope, curbing, drain, or sump. The maximum inventory of hazardous wastes expected to be in storage at any given time during the operating life of FMC is given below. While the quantity of waste stored at any one time is usually much less, this figure will be used to provide a "worst case" situation for financial estimation purposes.

Containers:

Hazardous Waste Storage Area

90 Drums 4950 Gallons

The only wastes ever stored in containers for greater than 90 days at Fitzsimons are as follows:

<u>WASTE</u>	<u>DOT ID NO.</u>	<u>EPA HAZARDOUS WASTE NO.</u>
Solid Lead and Zinc	NA 9189	D008
Cutting Oil	N/A	Not regulated

F-1d Inventory Removal, Disposal and Equipment Decontamination
[40 CFR 265.112 (a)(3), 265.114]

As part of the work necessary to close the plant, arrangements will be made with outside contractors for hazardous waste sampling, transportation, and disposal. All cleanup and decontamination of the storage area and lead furnace will be

done by FMC employees. This work will be supervised by qualified FMC personnel. It will be required that all contractors or employees involved with decontamination activities be properly equipped with coveralls, boots, gloves, head protection, and full face NIOSH/MSHA approved respirators with toxic dust filter cartridges. All drummed wastes will be manifested for disposal and hauled away for appropriate disposal by a licensed waste hauler to a licensed disposal facility. Any solids found on the cement in the storage areas will be scrapped up and swept by use of a floor sweeper with scouring attachments. The residues will be put into drums for disposal as previously mentioned. The lead furnace will be dismantled and sold to Alleco Corporation.

On removal of all containerized hazardous waste and clean-up of dust residues, Fitzsimons will proceed to implement decontamination of the hazardous waste storage area. Since the waste lead and zinc have been designated as a hazardous waste due to their EP Toxicity, decontamination of the hazardous waste storage area will consist of a single detergent wash using a biodegradable detergent, followed by two separate rinses. Since none of the wastes stored on the floor are listed as acutely toxic, a single wash and double rinse will be sufficient. Both the wash and rinse operations will be performed using a battery powered industrial floor washer equipped with rotating nylon brushes and suction pick-up of wash/rinse waters.

If there is any evidence of cracks in the concrete floor of the storage area, the severity will be inspected considering the potential for rinsate to penetrate through the slab and into the underlying soils. If it is determined that rinsate could potentially be forced downward through the cracks, then existing cracks in the floor will be sealed prior to cleaning. If no major cracks, holes, or other problems are noted (i.e., areas where spilled wastes could conceivably enter into the sub-surface under the concrete), then no further evaluations will be required, and decontamination will be initiated. This visual inspection will be conducted by an independent registered professional engineer. Photographs will be taken to document the condition of the concrete storage floor.

After the concrete floor has been washed, the floor washer will be used to collect the wash waters via the suction pick-up. The floor washer will then be emptied into a 55-gallon drum, and rinsed with tap water (using a hose) connected in the storage area so that all waters are collected. The floor will then be flushed with tap water to remove detergent; this first rinse will be collected by the floor washer and emptied into the 55-gallon drum. The floor washer will again be separately rinsed and the rinse waters collected in the 55-gallon drum. The floor will then be rinsed a second time. A sample of this second rinse will be obtained from the floor washer, prior to being emptied into the 55-gallon drum. This water sample will be analyzed for EP Toxicity metals using

analytical procedures specified in EPA SW-846 to determine if further washing is required.

If detectable amounts of hazardous waste(s) are present in the wash water after two successive rinses, the data (test methods, detection limits, parameters) will be reviewed with the MDNR to determine a mutually agreed course of action.

After the second rinse water has been sampled, the floor washer will be emptied into the 55-gallon drum, the unit will be rinsed, and all rinse waters will be dumped into the 55-gallon drum. The 55-gallon drum will be sealed, labeled as a "Hazardous Waste N.O.S." and disposed of at an approved off-site TSD facility. This will be done for each storage floor area.

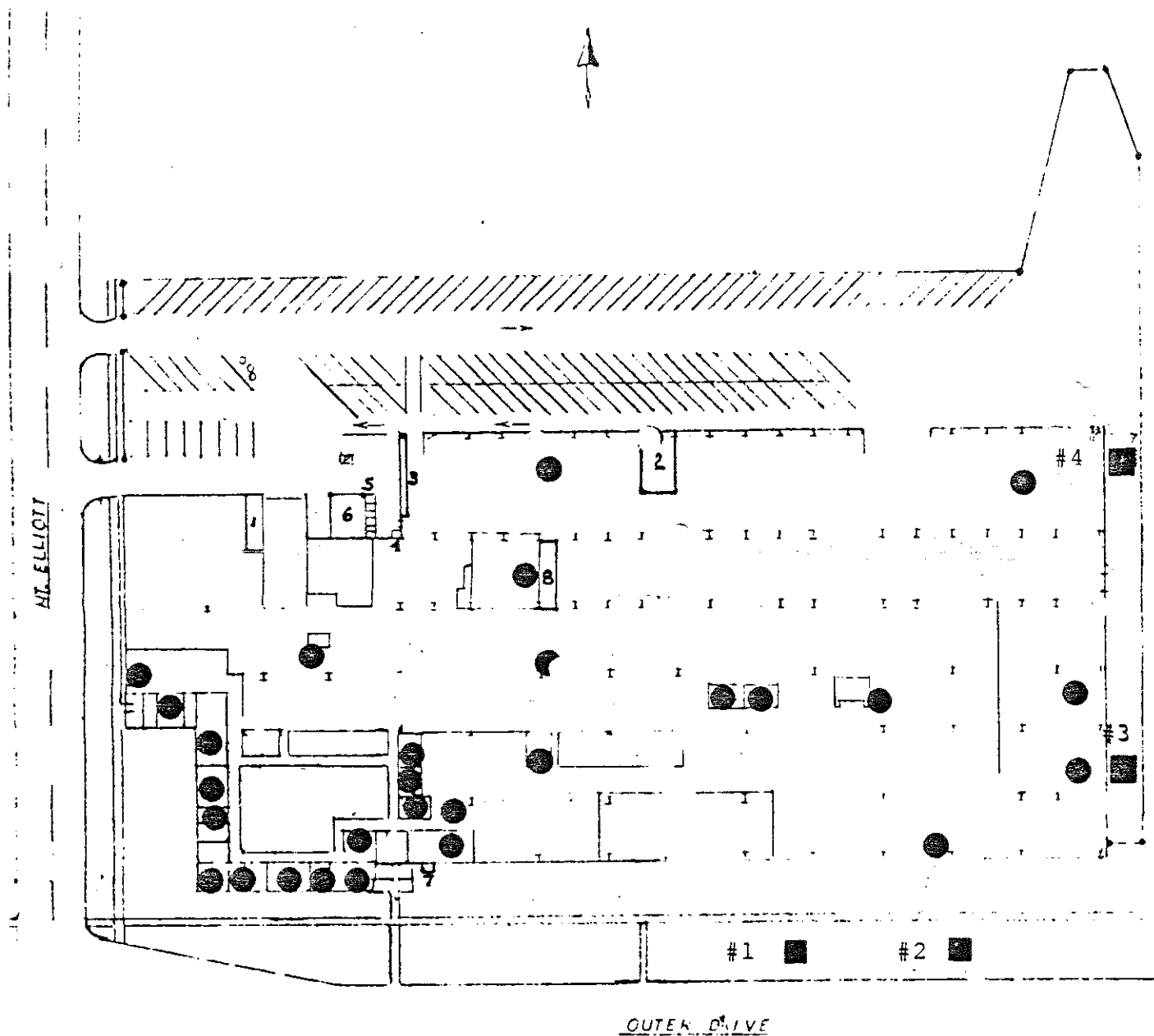
If major cracks and/or holes are noted (i.e., up to 1/4 inch in depth and/or width), such that spilled wastes could have entered the subsurface, then the concrete floor will be cored and subsurface soil samples taken using a hand auger. The upper 12 inches of soil at specified sampling points will be sampled and placed in 1 liter glass containers and stored until ready for analysis. The number of corings made will be dependent on the extent of the major cracks found. Samples will be analyzed using analytical procedures specified in SW-846 for soil samples and EP Toxicity metals (Appendix A).

If soil samples are taken and tested, the results of that analysis will be interpreted and a determination made as to

whether or not any additional sampling and analytical work is warranted and what corrective action, if any, is required. The results of all the analytical procedures and results will be submitted as part of the overall closure procedures.

To determine whether subsoils have been significantly contaminated by leaked or spilled wastes previously placed in the storage facility, background soil data will be established and used as criteria. Four background soil samples will be collected in the selected uncontaminated locations, shown in Figure 2, at a depth of 12 inches. Soil samples collected from background areas will be analyzed for total metals (arsenic, cadmium, barium, chromium, lead, mercury, silver and selenium) using analytical procedures outlined in Appendix A.

Results of soil analyses in the storage building area will be compared with background soil results. If any soil samples collected from the storage building area indicate concentrations of metals significantly greater than background (as determined by the Gosset Student T-test at the 95% level of confidence), then the soil will be assumed contaminated and the extent of the contamination will be determined by collecting soil at a 6 foot grid interval in the storage area, as shown in Figure 3 (grid intervals were calculated using guidelines outlined in the Michigan Department of Natural Resources publication "How Clean Is Clean?"). Data will be reviewed with the MDNR to determine significance and corrective action requirements. If initial soil samples are



■ = Soil Sampling Locations

Figure 2. Background Soil Sampling Locations
Fitzsimmons Manufacturing
Detroit, Michigan

SCALE: 1" = 5'

STORAGE AREA (G.I. = 6')

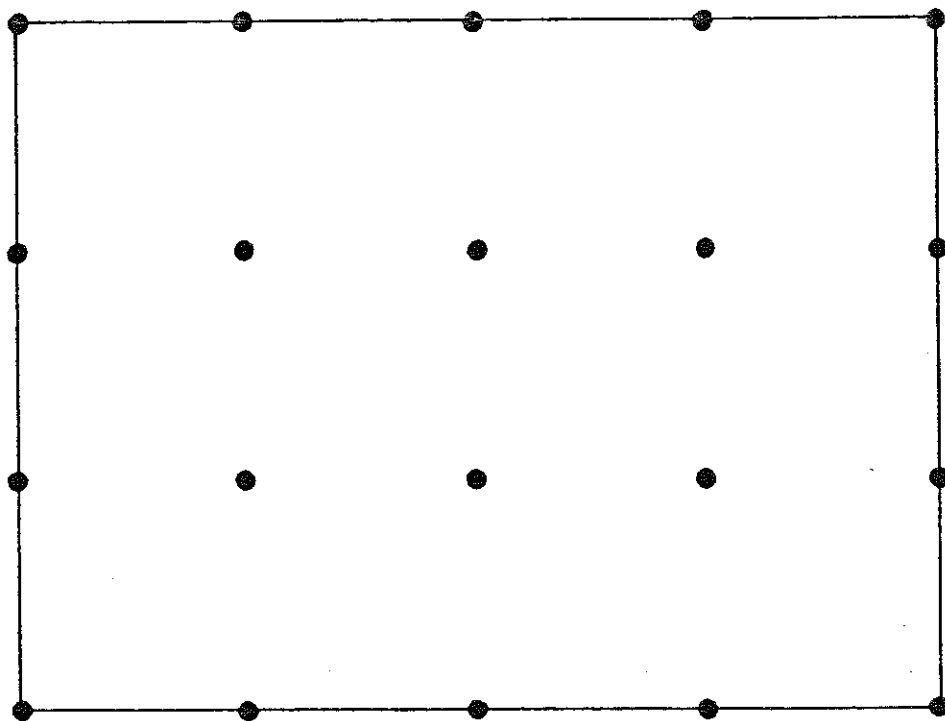


Figure 3. Hazardous Waste Storage Area
Grid Interval Sampling Locations
Fitzsimmons Manufacturing
Detroit, Michigan

not significantly different from background then the concrete floor will be repaired.

If total metals in soil exceed 20 times EP Toxicity limits (40 CFR 261.24) an EP Toxicity test will be performed on the soil to determine if it is a hazardous waste. If soils prove to be EP toxic, a licensed hazardous waste facility will be used for disposal.

If soils are contaminated down to the water table, a groundwater monitoring plan will be submitted to the MDNR for review. Upon mutual agreement between FMC and the MDNR, the monitoring plan will be implemented.

Any soil determined not to be hazardous and requiring disposal off-site will be transported to a licensed Type II landfill facility.

Prior to leaving the clean-up site location, decontamination of personnel protective clothing will be conducted by removing the boots, coveralls, gloves and toxic dust filter cartridges and placing them into a drum for disposal. This will be hauled by truck to an appropriate disposal site. Since no specific equipment and/or tools were used or were necessary for the storage of the containerized wastes, no equipment or tool decontamination is required.

F-1e Schedule for Closure [40 CFR 265.112(a)(4) and 265.115]

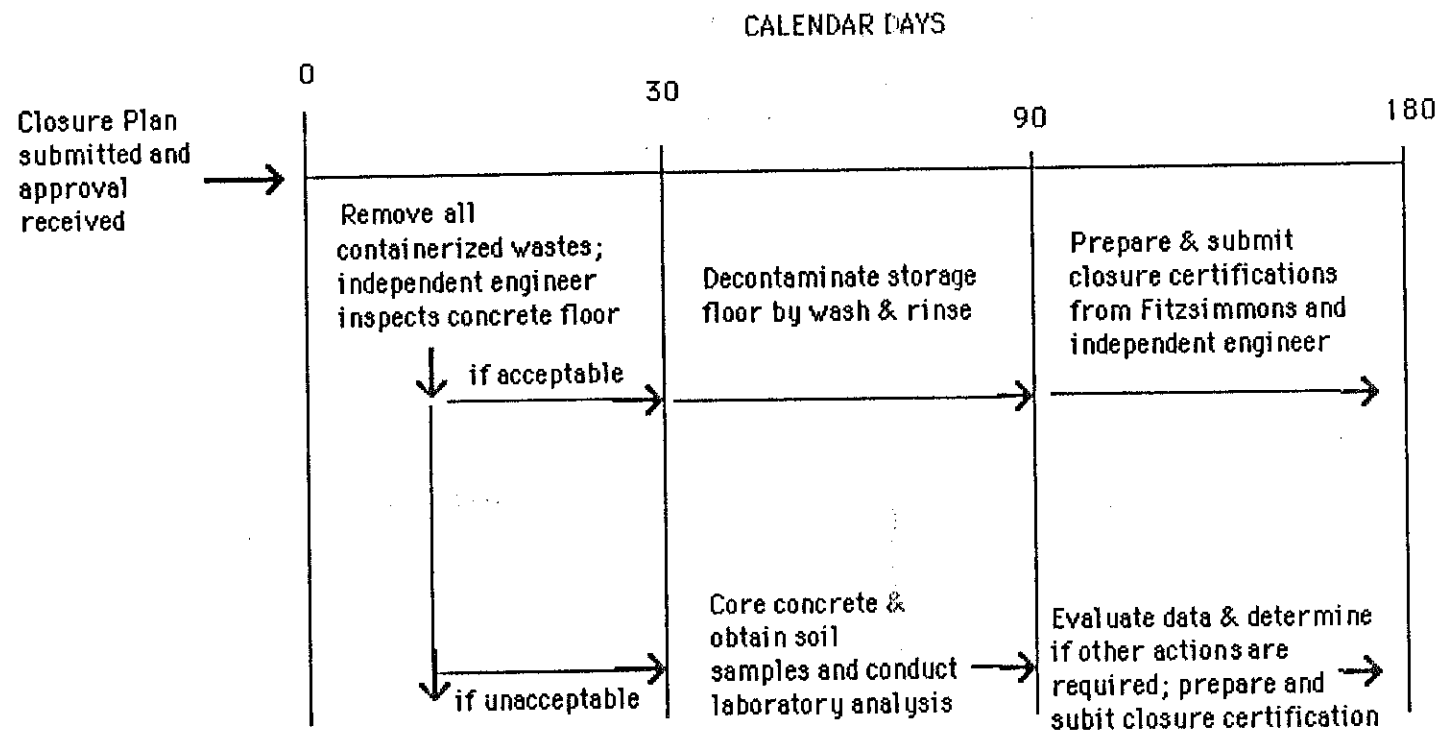
The anticipated date for closure of the storage facility is Spring, 1988. The plan will be amended should circumstances dictate a change in the estimated date of closure. Closure activities will be initiated within 90 days after receipt of the final volume of hazardous wastes. Completion of closure will be within 180 days of this occurrence. Final closure will be supervised and certified by an independent professional engineer, in addition to the owner or operator within 60 days of completion of final closure. A proposed schedule is as follows (see also Figure 4):

<u>Activity</u>	<u>Days</u>
1. After receiving the final volume of hazardous waste, remove and dispose containers containing hazardous waste.	1 - 30
2. Clean/decontaminate concrete storage pad (floor) and analyze washwater.	30 - 60
3. Sample soil underlying storage pad.	60 - 90
4. Collect and analyze background soil.	90 - 120
5. If contamination of underlying soils is confirmed, continue with grid sampling procedures.	110 - 140

F-1f Extensions for Closure Time [40 CFR 265.113(a) and 265.113(b)]

FMC does not anticipate needing an extension for closure time.

FIGURE 4. CLOSURE IMPLEMENTATION
PLAN



F-2 POST-CLOSURE PLAN [40 CFR 265.117 and 265.118]

Post-closure care will not be needed because this is not a disposal facility and all wastes will be removed at closure.

F-3 NOTICE TO LOCAL LAND AUTHORITY AND NOTICE TO DEED TO PROPERTY
[40 CFR 265.119 and 265.120]

Because FMC is only a hazardous waste storage facility and not a disposal facility, notation in the deed to the facility property informing potential purchasers of restrictions associated with a disposal site is not necessary.

F-4 CLOSURE COST ESTIMATE [40 CFR 265.142]

Table F.1 outlines the determination of the total cost of closure, which is estimated not to exceed \$14,250.00. This cost estimate will be updated annually.

The assumptions made in the cost estimate are as follows:

1. Removal of final waste inventory. Transportation and disposal costs for the 90 drums from the hazardous waste drum storage area is estimated to be \$97.00 per drum. Any solids packed up during decontamination of the storage area floors will be added to a drum that already contains waste.

2. Decontamination of Equipment. Decontamination costs for removal of the lead furnace total \$360.00. This involves three maintenance personnel working together for eight hours.
3. Decontamination of floors in storage area. Decontamination costs for the floor totals \$120.00; this involves one person working for eight hours in the storage area.
4. Washwater analysis (one sample, total metals at \$250.00 per sample).
5. Core concrete, sample soil beneath storage area and background (minimum of six samples - four background, two beneath storage area at \$300.00 per sample plus two men for four hours at \$50.00 per hour).
6. Supervision. All closure activities will be supervised by FMC at a labor rate of \$20.00 per hour.
7. Closure Certification. The cost of certification of closure by an independent professional engineer is estimated on the basis of labor rate of \$50.00 per hour.
8. Total Cost. Total costs were calculated by adding \$70.00 administrative costs.

F-5 FINANCIAL ASSURANCE MECHANISM FOR CLOSURE [40 CFR 265.143]

Financial assurance for closure costs is provided by a demonstration that FMC meets the financial test to guarantee

the availability of closure funds. Appendix B contains a letter from the Chief Financial Officer of FMC providing the required information.

F-6 COST ESTIMATE FOR POST-CLOSURE [40 CFR 265.144]

Post-closure care will not be necessary for this facility as it is not a disposal facility and no waste will remain after closure.

F-7 FINANCIAL ASSURANCE FOR POST-CLOSURE [40 CFR 265.145]

Financial assurance for post-closure is not necessary for this facility as it is not a disposal facility.

F-8 LIABILITY INSURANCE [40 CFR 265.147]

F-8a Sudden and Accidental Occurrences

The Detroit plant of FMC is insured for liability arising from sudden and accidental occurrence under a Corporate Comprehensive General Liability Policy. Evidence of such insurance in the amount of \$1 Million per occurrence and \$2 Million annual aggregate exclusive of legal defense costs is included in Appendix F.2.

F-8b Non-Sudden Occurrences

FMC is a storage facility; therefore, it requires no liability insurance for non-sudden accidental occurrences.

F-9 STATE ASSUMPTION OF RESPONSIBILITY [40 CFR 265.150]

FMC does not plan to request State assumption of the legal or financial responsibilities at this time.

TABLE F-1
CLOSURE COST ESTIMATE

TRANSPORATION AND DISPOSAL 90 BARRELS @ \$97.00/BARREL	\$ 8,730.00
REMOVAL OF LEAD FURNACE 24 HOURS @ \$15.00/HOUR	360.00
DECONTAMINATION OF FLOOR IN STORAGE AREA 8 HOURS @ \$15.00/HOUR	120.00
SOIL AND WASH WATER ANALYSIS 1 WATER (\$250.00/SAMPLE) PLUS 6 SOIL (\$300.00/SAMPLE) PLUS LABOR	2,450.00
SUPERVISION AND FMC CERTIFICATION 15 HOURS @ \$20.00/HOUR	300.00
INDEPENDENT P.E. CERTIFICATION 40 HOURS @ \$50.00/HOUR	<u>2,000.00</u>
 SUBTOTAL	 \$13,870.00
ADMINISTRATIVE EXPENSE	<u>70.00</u>
TOTAL CLOSURE COST	\$13,940.00
1987 ADJUSTMENT \$10,690 X 0.032	<u>310.00</u>
NEW TOTAL CLOSURE COST	\$14,250.00

APPENDIX A

SAMPLE, STORAGE, PRESERVATION, AND ANALYTICAL METHODS
FOR WASH WATER AND SOILS

APPENDIX A
SAMPLE STORAGE AND PRESERVATION

PARAMETER	CONTAINER TYPE	U.S. EPA RECOMMENDED PRESERVATION METHODS	U.S. EPA RECOMMENDED HOLDING TIME
Arsenic	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Barium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Cadmium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Chromium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Lead	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Mercury	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Selenium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Silver	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.

APPENDIX A
ANALYTICAL METHODS AND DETECTION LIMITS

PARAMETER	METHOD*	DETECTION LIMIT	
		WATER	SOIL
Arsenic	7061	0.002 mg/l	1 mg/kg
Barium	7080	0.1 mg/l	1 mg/kg
Cadmium	7130	0.005 mg/l	1 mg/kg
Chromium	7190	0.05 mg/l	1 mg/kg
Lead	7420	0.1 mg/l	1 mg/kg
Mercury	7470,7471	0.0002 mg/l	1 mg/kg
Selenium	7741	0.002 mg/l	1 mg/kg
Silver	7760	0.01 mg/l	1 mg/kg

*SW-846 Test Methods for Evaluating Solid Waste,
Environmental Protection Agency, July, 1982.

APPENDIX B

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

xc: Ben Okunmabua /
Faye Dade
Detroit District, WMD

October 28, 1987

Laura Lodisio, EPA
Rich Traub, EPA

Michigan Department of Natural Resources
Waste Management Division
South Ottawa Building
P.O. Box 30028
Lansing, Michigan 48090

Attn: Cheryl Howe, Environmental Engineer

RE: Closure Plan Amendments
FitzSimons Manufacturing Company
Detroit, Michigan
MID 005 354 949
Docket No.: V-W-86-R74


Enclosed please find for your review one copy of the
Closure Plan prepared for the hazardous waste storage
area at FitzSimons Manufacturing Company, Detroit, Michigan.

This plan incorporates the deficiency comments listed in
a letter from Mr. William E. Muno, Chief RCRA Enforcement
Section, to FitzSimons Manufacturing Company in January,
1987.

Upon your approval of the revised plan, a final Closure
Plan will be submitted and implemented accordingly.

If you have any questions, comments, or concerns, please
contact me.

Sincerely,


Raymond F. Sears
Plant Manager

RFS:jm

RECEIVED

OCT 30 1987

Waste Management
Division

PLANT LOCATIONS: DETROIT • BIG RAPIDS MICHIGAN

CLOSURE PLAN, POST-CLOSURE PLAN
AND FINANCIAL REQUIREMENTS
40 CFR PART 265, SUBPART G

FITZSIMONS MANUFACTURING COMPANY
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234

EPA FACILITY ID NUMBER - MID005354949

OCTOBER 28, 1987



SWANSON ENVIRONMENTAL INC.

RECEIVED

OCT 30 1987

Waste Management
Division

SECTION F
CLOSURE PLAN, POST-CLOSURE PLAN, AND FINANCIAL REQUIREMENTS

This section is submitted in accordance with the requirements of 40 CFR Part 265, Subpart G. This plan identifies all steps necessary to completely close the Fitzsimons Manufacturing Company (FMC) hazardous waste storage areas at the end of their intended operating life. A post-closure plan is not required because this is not a disposal facility and all wastes will be removed at closure.

FMC will maintain an on-site copy of the approved closure plan and all revisions of the plan until the certification of closure completeness has been submitted and accepted by the Hazardous Waste Division Chief (MDNR). FMC will notify the MDNR at least 180 days prior to the date final closure is expected to begin. Upon completion of closure, FMC will submit to the MDNR a certification by both FMC and a local independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan as is required by 40 CFR 265.115. Documentation supporting the independent licensed professional engineer's certification will be submitted with the certifications as per 40 CFR 265.115. Certification will include documentation of activities, test results, observations, and evaluation procedures.

F-1 CLOSURE PLAN [40 CFR Part 265, Subpart G]

F-1a Closure Performance Standard [40 CFR 265.111]

This closure plan has been designed to ensure that the facility will not require further maintenance and controls, to minimize or eliminate threats to human health and the environment, and to avoid the post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground or surface waters or to the atmosphere. The following sections discuss, in detail, efforts to be made at FMC to satisfy the closure performance standard.

F-1b Partial and Final Closure Activities [40 CFR 265.112
(a)(1) and (4)]

The expected year of closure, Spring, 1988, has been chosen as the closure date for all hazardous waste storage areas at FMC. When closure does occur, the procedures presented in Section F-1d will be used. If hazardous waste storage in the hazardous waste storage area is in some way changed during the life of the facility, the closure plan will be modified accordingly.

F-1c Maximum Waste Inventory [40 CFR 265.112 (a)(2)]

The area used for storage of hazardous waste and containing the lead furnace are shown in Figure 1. The storage area is

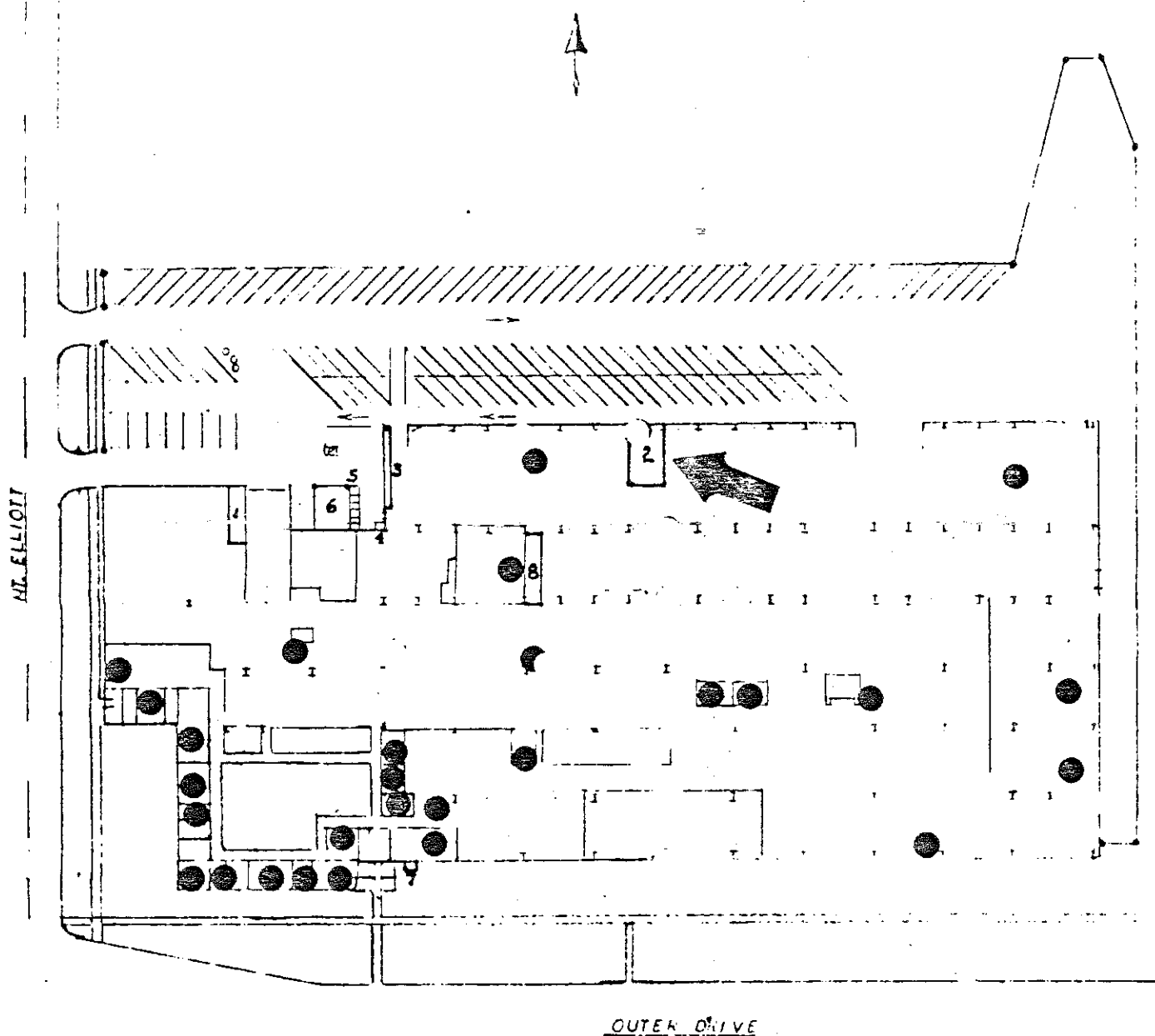


Figure 1. Hazardous Waste Storage Area
Fitzsimmons Manufacturing
Detroit, Michigan

an 18 foot wide by 24 foot long area set aside in the middle of the building along the north wall. The area consists of a 6 to 8 inch concrete floor with no slope, curbing, drain, or sump. The maximum inventory of hazardous wastes expected to be in storage at any given time during the operating life of FMC is given below. While the quantity of waste stored at any one time is usually much less, this figure will be used to provide a "worst case" situation for financial estimation purposes.

Containers:

Hazardous Waste Storage Area

90 Drums 4950 Gallons

The only wastes ever stored in containers for greater than 90 days at Fitzsimons are as follows:

<u>WASTE</u>	<u>DOT ID NO.</u>	<u>EPA HAZARDOUS WASTE NO.</u>
Solid Lead and Zinc	NA 9189	D008
Cutting Oil	N/A	Not regulated

F-1d Inventory Removal, Disposal and Equipment Decontamination
[40 CFR 265.112 (a)(3), 265.114]

As part of the work necessary to close the plant, arrangements will be made with outside contractors for hazardous waste sampling, transportation, and disposal. All cleanup and decontamination of the storage area and lead furnace will be

done by FMC employees. This work will be supervised by qualified FMC personnel. It will be required that all contractors or employees involved with decontamination activities be properly equipped with coveralls, boots, gloves, head protection, and full face NIOSH/MSHA approved respirators with toxic dust filter cartridges. All drummed wastes will be manifested for disposal and hauled away for appropriate disposal by a licensed waste hauler to a licensed disposal facility. Any solids found on the cement in the storage areas will be scrapped up and swept by use of a floor sweeper with scouring attachments. The residues will be put into drums for disposal as previously mentioned. The lead furnace will be dismantled and sold to Alleco Corporation.

On removal of all containerized hazardous waste and clean-up of dust residues, Fitzsimons will proceed to implement decontamination of the hazardous waste storage area. Since the waste lead and zinc have been designated as a hazardous waste due to their EP Toxicity, decontamination of the hazardous waste storage area will consist of a single detergent wash using a biodegradable detergent, followed by two separate rinses. Since none of the wastes stored on the floor are listed as acutely toxic, a single wash and double rinse will be sufficient. Both the wash and rinse operations will be performed using a battery powered industrial floor washer equipped with rotating nylon brushes and suction pick-up of wash/rinse waters.

If there is any evidence of cracks in the concrete floor of the storage area, the severity will be inspected considering the potential for rinsate to penetrate through the slab and into the underlying soils. If it is determined that rinsate could potentially be forced downward through the cracks, then existing cracks in the floor will be sealed prior to cleaning. If no major cracks, holes, or other problems are noted (i.e., areas where spilled wastes could conceivably enter into the sub-surface under the concrete), then no further evaluations will be required, and decontamination will be initiated. This visual inspection will be conducted by an independent registered professional engineer. Photographs will be taken to document the condition of the concrete storage floor.

After the concrete floor has been washed, the floor washer will be used to collect the wash waters via the suction pick-up. The floor washer will then be emptied into a 55-gallon drum, and rinsed with tap water (using a hose) connected in the storage area so that all waters are collected. The floor will then be flushed with tap water to remove detergent; this first rinse will be collected by the floor washer and emptied into the 55-gallon drum. The floor washer will again be separately rinsed and the rinse waters collected in the 55-gallon drum. The floor will then be rinsed a second time. A sample of this second rinse will be obtained from the floor washer, prior to being emptied into the 55-gallon drum. This water sample will be analyzed for EP Toxicity metals using

analytical procedures specified in EPA SW-846 to determine if further washing is required.

If detectable amounts of hazardous waste(s) are present in the wash water after two successive rinses, the data (test methods, detection limits, parameters) will be reviewed with the MDNR to determine a mutually agreed course of action.

After the second rinse water has been sampled, the floor washer will be emptied into the 55-gallon drum, the unit will be rinsed, and all rinse waters will be dumped into the 55-gallon drum. The 55-gallon drum will be sealed, labeled as a "Hazardous Waste N.O.S." and disposed of at an approved off-site TSD facility. This will be done for each storage floor area.

If major cracks and/or holes are noted (i.e., up to 1/4 inch in depth and/or width), such that spilled wastes could have entered the subsurface, then the concrete floor will be cored and subsurface soil samples taken using a hand auger. The upper 12 inches of soil at specified sampling points will be sampled and placed in 1 liter glass containers and stored until ready for analysis. The number of corings made will be dependent on the extent of the major cracks found. Samples will be analyzed using analytical procedures specified in SW-846 for soil samples and EP Toxicity metals (Appendix A).

If soil samples are taken and tested, the results of that analysis will be interpreted and a determination made as to

whether or not any additional sampling and analytical work is warranted and what corrective action, if any, is required. The results of all the analytical procedures and results will be submitted as part of the overall closure procedures.

To determine whether subsoils have been significantly contaminated by leaked or spilled wastes previously placed in the storage facility, background soil data will be established and used as criteria. Four background soil samples will be collected in the selected uncontaminated locations, shown in Figure 2, at a depth of 12 inches. Soil samples collected from background areas will be analyzed for total metals (arsenic, cadmium, barium, chromium, lead, mercury, silver and selenium) using analytical procedures outlined in Appendix A.

Results of soil analyses in the storage building area will be compared with background soil results. If any soil samples collected from the storage building area indicate concentrations of metals significantly greater than background (as determined by the Gosset Student T-test at the 95% level of confidence), then the soil will be assumed contaminated and the extent of the contamination will be determined by collecting soil at a 6 foot grid interval in the storage area, as shown in Figure 3 (grid intervals were calculated using guidelines outlined in the Michigan Department of Natural Resources publication "How Clean Is Clean?"). Data will be reviewed with the MDNR to determine significance and corrective action requirements. If initial soil samples are

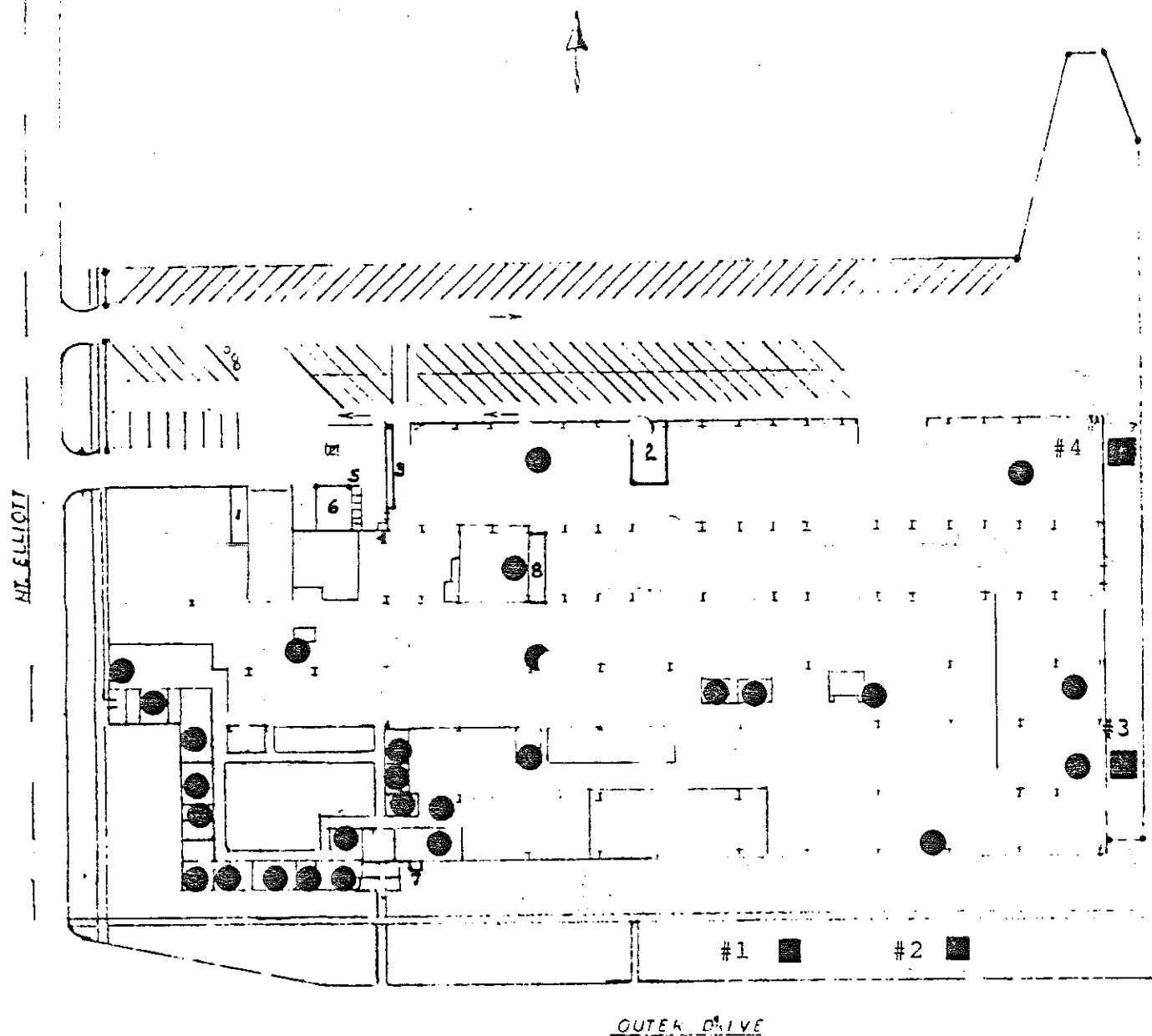


Figure 2. Background Soil Sampling Locations
Fitzsimmons Manufacturing
Detroit, Michigan

SCALE: 1" = 5'

STORAGE AREA (G.I. = 6')

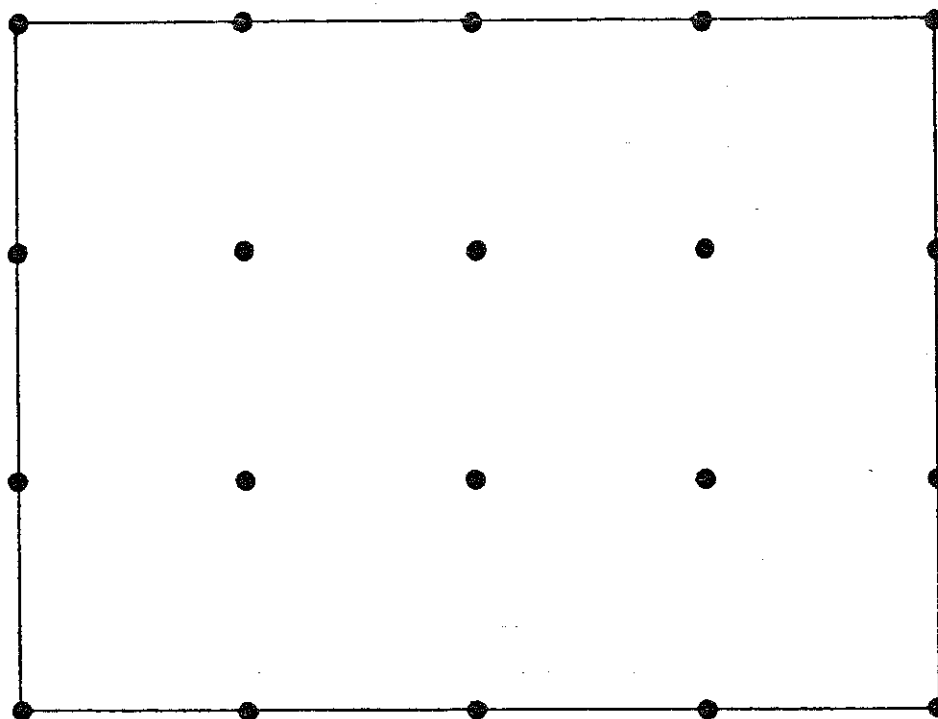


Figure 3. Hazardous Waste Storage Area
Grid Interval Sampling Locations
Fitzsimmons Manufacturing
Detroit, Michigan

not significantly different from background then the concrete floor will be repaired.

If total metals in soil exceed 20 times EP Toxicity limits (40 CFR 261.24) an EP Toxicity test will be performed on the soil to determine if it is a hazardous waste. If soils prove to be EP toxic, a licensed hazardous waste facility will be used for disposal.

If soils are contaminated down to the water table, a groundwater monitoring plan will be submitted to the MDNR for review. Upon mutual agreement between FMC and the MDNR, the monitoring plan will be implemented.

Any soil determined not to be hazardous and requiring disposal off-site will be transported to a licensed Type II landfill facility.

Prior to leaving the clean-up site location, decontamination of personnel protective clothing will be conducted by removing the boots, coveralls, gloves and toxic dust filter cartridges and placing them into a drum for disposal. This will be hauled by truck to an appropriate disposal site. Since no specific equipment and/or tools were used or were necessary for the storage of the containerized wastes, no equipment or tool decontamination is required.

F-1e Schedule for Closure [40 CFR 265.112(a)(4) and 265.115]

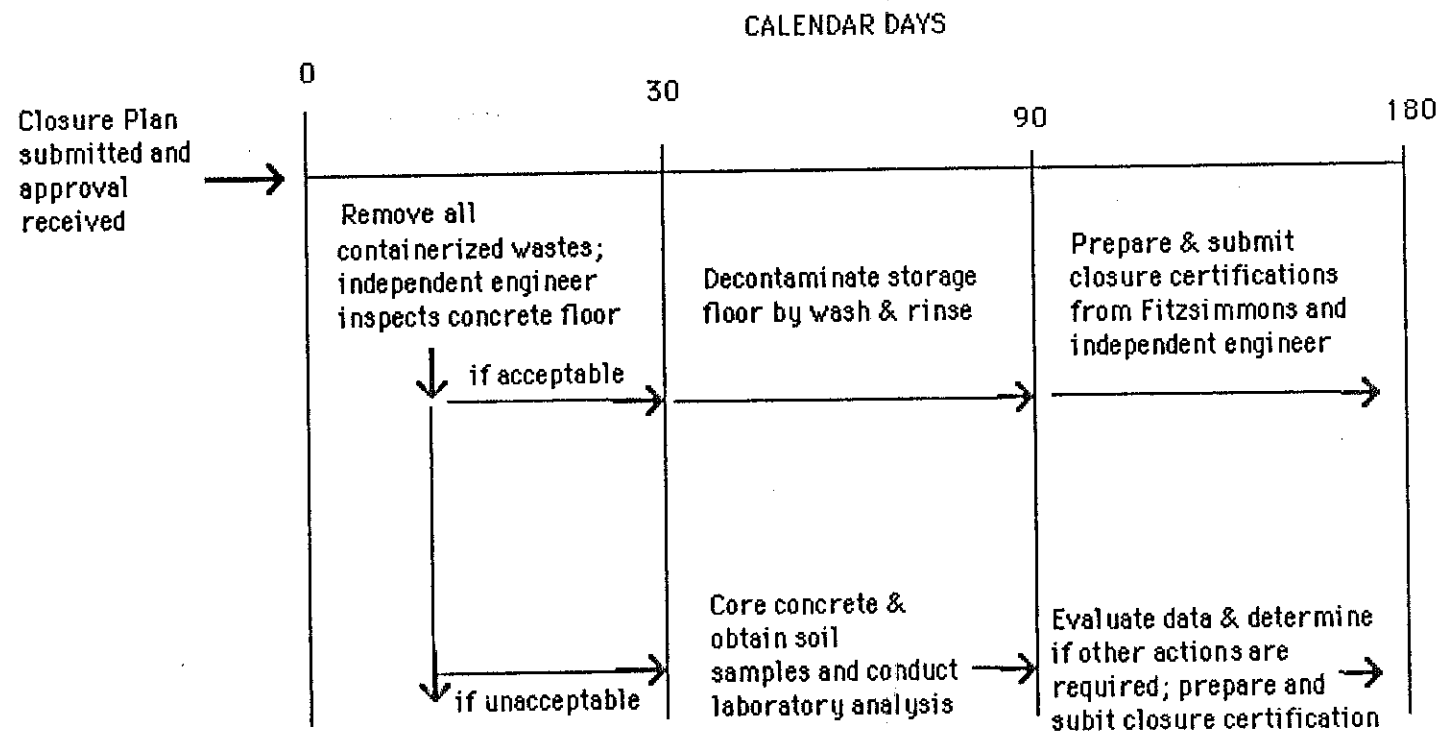
The anticipated date for closure of the storage facility is Spring, 1988. The plan will be amended should circumstances dictate a change in the estimated date of closure. Closure activities will be initiated within 90 days after receipt of the final volume of hazardous wastes. Completion of closure will be within 180 days of this occurrence. Final closure will be supervised and certified by an independent professional engineer, in addition to the owner or operator within 60 days of completion of final closure. A proposed schedule is as follows (see also Figure 4):

<u>Activity</u>	<u>Days</u>
1. After receiving the final volume of hazardous waste, remove and dispose containers containing hazardous waste.	1 - 30
2. Clean/decontaminate concrete storage pad (floor) and analyze washwater.	30 - 60
3. Sample soil underlying storage pad.	60 - 90
4. Collect and analyze background soil.	90 - 120
5. If contamination of underlying soils is confirmed, continue with grid sampling procedures.	110 - 140

F-1f Extensions for Closure Time [40 CFR 265.113(a) and 265.113(b)]

FMC does not anticipate needing an extension for closure time.

FIGURE 4. CLOSURE IMPLEMENTATION
PLAN



F-2 POST-CLOSURE PLAN [40 CFR 265.117 and 265.118]

Post-closure care will not be needed because this is not a disposal facility and all wastes will be removed at closure.

F-3 NOTICE TO LOCAL LAND AUTHORITY AND NOTICE TO DEED TO PROPERTY
[40 CFR 265.119 and 265.120]

Because FMC is only a hazardous waste storage facility and not a disposal facility, notation in the deed to the facility property informing potential purchasers of restrictions associated with a disposal site is not necessary.

F-4 CLOSURE COST ESTIMATE [40 CFR 265.142]

Table F.1 outlines the determination of the total cost of closure, which is estimated not to exceed \$14,250.00. This cost estimate will be updated annually.

The assumptions made in the cost estimate are as follows:

1. Removal of final waste inventory. Transportation and disposal costs for the 90 drums from the hazardous waste drum storage area is estimated to be \$97.00 per drum. Any solids packed up during decontamination of the storage area floors will be added to a drum that already contains waste.

2. Decontamination of Equipment. Decontamination costs for removal of the lead furnace total \$360.00. This involves three maintenance personnel working together for eight hours.
3. Decontamination of floors in storage area. Decontamination costs for the floor totals \$120.00; this involves one person working for eight hours in the storage area.
4. Washwater analysis (one sample, total metals at \$250.00 per sample).
5. Core concrete, sample soil beneath storage area and background (minimum of six samples - four background, two beneath storage area at \$300.00 per sample plus two men for four hours at \$50.00 per hour).
6. Supervision. All closure activities will be supervised by FMC at a labor rate of \$20.00 per hour.
7. Closure Certification. The cost of certification of closure by an independent professional engineer is estimated on the basis of labor rate of \$50.00 per hour.
8. Total Cost. Total costs were calculated by adding \$70.00 administrative costs.

F-5 FINANCIAL ASSURANCE MECHANISM FOR CLOSURE [40 CFR 265.143]

Financial assurance for closure costs is provided by a demonstration that FMC meets the financial test to guarantee

the availability of closure funds. Appendix B contains a letter from the Chief Financial Officer of FMC providing the required information.

F-6 COST ESTIMATE FOR POST-CLOSURE [40 CFR 265.144]

Post-closure care will not be necessary for this facility as it is not a disposal facility and no waste will remain after closure.

F-7 FINANCIAL ASSURANCE FOR POST-CLOSURE [40 CFR 265.145]

Financial assurance for post-closure is not necessary for this facility as it is not a disposal facility.

F-8 LIABILITY INSURANCE [40 CFR 265.147]

F-8a Sudden and Accidental Occurrences

The Detroit plant of FMC is insured for liability arising from sudden and accidental occurrence under a Corporate Comprehensive General Liability Policy. Evidence of such insurance in the amount of \$1 Million per occurrence and \$2 Million annual aggregate exclusive of legal defense costs is included in Appendix F.2.

F-8b Non-Sudden Occurrences

FMC is a storage facility; therefore, it requires no liability insurance for non-sudden accidental occurrences.

F-9 STATE ASSUMPTION OF RESPONSIBILITY [40 CFR 265.150]

FMC does not plan to request State assumption of the legal or financial responsibilities at this time.

TABLE F-1
CLOSURE COST ESTIMATE

TRANSPORATION AND DISPOSAL 90 BARRELS @ \$97.00/BARREL	\$ 8,730.00
REMOVAL OF LEAD FURNACE 24 HOURS @ \$15.00/HOUR	360.00
DECONTAMINATION OF FLOOR IN STORAGE AREA 8 HOURS @ \$15.00/HOUR	120.00
SOIL AND WASH WATER ANALYSIS 1 WATER (\$250.00/SAMPLE) PLUS 6 SOIL (\$300.00/SAMPLE) PLUS LABOR	2,450.00
SUPERVISION AND FMC CERTIFICATION 15 HOURS @ \$20.00/HOUR	300.00
INDEPENDENT P.E. CERTIFICATION 40 HOURS @ \$50.00/HOUR	<u>2,000.00</u>
SUBTOTAL	\$13,870.00
ADMINISTRATIVE EXPENSE	<u>70.00</u>
TOTAL CLOSURE COST	\$13,940.00
1987 ADJUSTMENT \$10,690 X 0.032	<u>310.00</u>
NEW TOTAL CLOSURE COST	\$14,250.00

APPENDIX A

SAMPLE, STORAGE, PRESERVATION, AND ANALYTICAL METHODS
FOR WASH WATER AND SOILS

APPENDIX A
SAMPLE STORAGE AND PRESERVATION

PARAMETER	CONTAINER TYPE	U.S. EPA RECOMMENDED PRESERVATION METHODS	U.S. EPA RECOMMENDED HOLDING TIME
Arsenic	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Barium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Cadmium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Chromium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Lead	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Mercury	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Selenium	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.
Silver	Plastic (250 ml)	HNO ₃ to pH <2	6 mos.

APPENDIX A
ANALYTICAL METHODS AND DETECTION LIMITS

PARAMETER	METHOD*	DETECTION LIMIT	
		WATER	SOIL
Arsenic	7061	0.002 mg/l	1 mg/kg
Barium	7080	0.1 mg/l	1 mg/kg
Cadmium	7130	0.005 mg/l	1 mg/kg
Chromium	7190	0.05 mg/l	1 mg/kg
Lead	7420	0.1 mg/l	1 mg/kg
Mercury	7470, 7471	0.0002 mg/l	1 mg/kg
Selenium	7741	0.002 mg/l	1 mg/kg
Silver	7760	0.01 mg/l	1 mg/kg

*SW-846 Test Methods for Evaluating Solid Waste,
Environmental Protection Agency, July, 1982.

APPENDIX B

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

October 2, 1986

RECEIVED
OCT 03 1986
U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

Ms. Laura Lodisio
U.S. EPA Region V
Waste Management Division
230 South Dearborn St.
Chicago, Ill 60604

Dear Ms. Lodisio:

Attached is a copy of FitzSimons Manufacturing Company's Financial Assurance Mechanism and Evidence of Inability to provide Liability Insurance for our closure plan.

If I can be of any further assistance, please contact me directly at (616) 796-2691.

Very Truly Yours,

D. R. Tyler
Plant Superintendent
FitzSimons Manufacturing Company

enclosure

APPENDIX I.1

FINANCIAL ASSURANCE MECHANISM

Copper and Brass Sales - INC -

(313) 775-7710

CORPORATE SERVICES DIVISION
17401 TEN MILE ROAD
EAST DETROIT, MICHIGAN 48021

Mr. Valdas V. Adamkus, Regional Administrator
Region 5
Environmental Protection Agency
Federal Building
230 South Dearborn
Chicago, Illinois 60604

Dear Sir:

I am the chief financial officer of Copper and Brass Sales, Inc., 17401 Ten Mile Road, East Detroit, Michigan 48021. This letter is in support of the use of the financial test to demonstrate financial assurance, as specified in Subpart H of 40 CFR Parts 264 and 265.

1. This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:

None

2. This firm guarantees, through the corporate guarantee specified in Subpart H of CFR Parts 264 and 265, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility:

Region 5	Closure	Post-Closure
MID005354949		
FitzSimons Manufacturing Company	\$10,000	N/A
3775 East Outer Drive		
Detroit, Michigan 48234		

3. In states where EPA is not administering the financial requirements of Subpart H of 40 CFR Parts 264 and 265, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to be the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility:

None

ALUMINUM • COPPER • BRASS • BRONZE • STAINLESS STEEL • NICKEL
DETROIT • GRAND RAPIDS • CLEVELAND • DAYTON • CHICAGO • OAKLAND • LOS ANGELES • NORTH ATTLEBORO • ATLANTA

OVER 50 YEARS OF INSTANT INVENTORY

4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated either to EPA or a state through the financial test or any other financial assurance mechanism specified in Subpart H or 40 CFR Parts 264 and 265 or equivalent or substantially equivalent state mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

None

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived for this firm's independently audited, year-end financial statements for the latest completed fiscal year ended December 31, 1985.

Alternative I

1.	Sum of current closure and post-closure cost estimates (total of all cost estimates shown in the four paragraphs above).	\$	10,000
*2.	Total liabilities (if any portion of the closure or post closure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4).		33,198,000
*3.	Tangible net worth		36,125,000
*4.	Net worth		36,290,000
*5.	Current Assets		49,562,000
*6.	Current Liabilities		14,023,000
*7.	Net working capital (line 5 minus line 6)		35,539,000
*8.	The sum of net income plus depreciation, depletion and amortization		6,109,000
*9.	Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.)		69,488,000
		<u>YES</u>	<u>NO</u>
10.	Is line 3 at least \$10 million?	X	
11.	Is line 3 at least 6 times line 1?	X	
12.	Is line 7 at least 6 times line 1?	X	
13.	Are at least 90% of firm's assets located in the U.S.? If not, complete line 14	X	
14.	Is line 9 at least 6 times line 1?	X	
15.	Is line 2 divided by line 4 less than 2.0?	X	
16.	Is line 8 divided by line 2 greater than 0.1?	X	
17.	Is line 5 divided by line 6 greater than 1.5?	X	

Page Four

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR 264.151(f) as such regulations were constituted on the date shown immediately below.



Wayne C. Wright
Secretary/Treasurer
September 29, 1986

WCW:k1

APPENDIX I.2

EVIDENCE OF INABILITY TO PROVIDE LIABILITY INSURANCE

Marsh & McLennan
One Woodward Avenue, Suite 1200
Detroit, Michigan 48226-3493
Telephone 313 965-5400

September 25, 1986

Mr. Joseph Goerlich
Copper & Brass Sales, Inc.
17401 E. Ten Mile Road
East Detroit, MI 48021

RE: Pollution Insurance

Dear Joe:

As you requested, I have reviewed your Casualty policies for Pollution coverage. Both Gradual, Sudden and Accidental Pollution are specifically excluded from your policies.

In prior years, limited coverage was available. The current marketplace, including Wausau, is unwilling to provide any Pollution coverage.

Sincerely,

MARSH & McLENNAN



Arthur N. Dushary
Commercial Brokerage Department

AND:kat

cc: Ted Bott
Marsh & McLennan

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: **SEP 29 1986**

SUBJECT: Review of Closure Plan

FROM: William E. Muno, Chief
RCRA Enforcement Section

Wm. E. Muno

TO: Karl Bremer, Chief
Technical Programs Section

Attached is a copy of Fitzsimons Mfg., Inc., Closure Plan for their hazardous waste container storage area. The Closure Plan was submitted to satisfy the requirements set forth in an Administrative Order. It is requested that a member of your staff review the plan and coordinate any comments with Ms. Laura Lodisio of my staff.

Attachment

RECEIVED
SEP 29 1986
SOLID WASTE DIVISION
U.S. EPA, REGION V

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

CLOSURE PLAN, POST-CLOSURE PLAN
AND FINANCIAL REQUIREMENTS
40 CFR PART 265, SUBPART G

EPA FACILITY ID NUMBER - MID005354949

FEBRUARY 17, 1986

RECEIVED
SEP 24 1986

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

PLANT LOCATIONS: DETROIT • BIG RAPIDS • WEST BRANCH, MICHIGAN

February 17, 1986

SECTION F

CLOSURE PLAN, POST-CLOSURE PLAN, AND FINANCIAL REQUIREMENTS

This section is submitted in accordance with the requirements of 40 CFR Part 265, Subpart G. This plan identifies all steps necessary to completely close the FitzSimons Manufacturing Company (FMC) hazardous waste storage areas at the end of their intended operating life. A post-closure plan is not required because this is not a disposal facility and all wastes will be removed at closure.

FMC will maintain an on-site copy of the approved closure plan and all revisions of the plan until the certification of closure completeness has been submitted and accepted by the EPA, Region V. FMC will notify the Regional Administrator at least 180 days prior to the date final closure is expected to begin. Upon completion of closure, FMC will submit to the Regional Administrator a certification by both FMC and a local independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan as is required by 40 CFR 265.115.

February 17, 1986

F-1 CLOSURE PLAN [40 CFR PART 265, SUBPART G]

F-1a Closure Performance Standard [40 CFR 265.111]

This closure plan has been designed to ensure that the facility will not require further maintenance and controls, minimizes or eliminates threats to human health and the environment, and avoids the post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground or surface waters or to the atmosphere. The following sections discuss in detail efforts to be made at FMC to satisfy the closure performance standard.

F-1b Partial and Final Closure Activities [40 CFR 265.112
(a) (1) and (4)]

No closure activities, partial or final, are planned at this time; however, for the purposes of this plan and to address the requirement for specifying the expected year of closure, February 1, 2005 has been chosen as the closure date for all hazardous waste storage areas at FMC. When closure does occur, the procedures presented in Section F-1d will be used. If hazardous waste storage in any of the

February 17, 1996

hazardous waste storage areas is in some way changed during the life of the facility, the closure plan will be modified accordingly.

F-1c Maximum Waste Inventory [40 CFR 265.112 (a) (2)]

The maximum inventory of hazardous wastes expected to be in storage at any given time during the operating life of FMC is given in the table below. While the quantity of waste stored at any one time is usually much less, this figure will be used to provide a "worst case" situation for financial estimation purposes.

Containers:

Hazardous Waste Storage Area #1 and #2

100 Drums 5500 Gallons

F-1d Inventory Removal, Disposal and Equipment Decontamination
[40 CFR 265.112 (a) (3), 265.114]

As part of the work necessary to close the plant, arrangements will be made with outside contractors for hazardous waste transportation, and disposal. All cleanup

February 17, 1986

and decontamination of the storage areas, and lead furnace will be done by FMC employees. This work will be supervised by qualified FMC personnel. It will be required that all contractors or employees involved with decontamination activities be properly equipped with coveralls, boots, gloves, head protection, and full face NIOSH/MSHA approved respirators with toxic dust filter cartridges. All drummed wastes will be manifested for disposal and hauled away for appropriate disposal by a licensed waste hauler to a licensed disposal facility. Any solids found on the cement in the storage areas will be scrapped up, swept by use of a floor sweeper with scouring attachments, and the residues will be put into drums for disposal as previously mentioned. The lead furnace will be dismantled and transferred by truck to:

Big Rapids Tube Division - FMC
600 Dekraft Avenue
Big Rapids, Michigan 49307

Prior to leaving the cleanup site location, decontamination of personnel protective clothing will be conducted by removing the boots, coveralls, gloves and toxic dust filter cartridges and putting them into a drum for disposal. This will be hauled by truck to an appropriate disposal site.

February 17, 1986

F-1e Schedule for Closure [40 CFR 265.112 (a) (4) and 265.115]

This facility does not have a definite closure date; however, for the purposes of this plan and to address the requirements of this section, the following schedule will be used as an approximate timetable for closure.

Week 1 Final week hazardous waste will be accepted.

Week 2 Removal of drummed waste from the hazardous waste storage areas, and decontamination of the hazardous waste storage area site and equipment.

Week 3 Certification of closure by an independent licensed professional engineer and by FMC.

*Total time required to close facility - 21 days

F-1f Extensions for Closure Time [40 CFR 265.113 (a) and 265.113 (b)]

FMC does not anticipate needing an extension for closure time.

February 17, 1986

F-2 POST-CLOSURE PLAN [40 CFR 265.117 and 265.118]

Post-closure care will not be needed for FMC because it is not a disposal facility.

F-3 NOTICE TO LOCAL LAND AUTHORITY AND NOTICE IN DEED TO PROPERTY [40 CFR 265.119 and 265.120]

Because FMC is only a hazardous waste storage facility and not a disposal facility, notation in the deed to the facility property informing potential purchasers of restrictions associated with a disposal site is not necessary.

F-4 CLOSURE COST ESTIMATE [40 CFR 265.142]

Table F.1 outlines the determination of the total cost of closure, which is estimated not to exceed \$11,032.00. This cost estimate will be updated annually.

February 17, 1986

The assumptions made in the cost estimate are as follows:

1. Removal of final waste inventory. Transportation and disposal costs for the 100 drums from the hazardous waste drum storage areas is estimated to be \$97.00/drum. Any solids picked up during decontamination of the storage areas floors will be added to a drum that already contains waste.
2. Decontamination of Equipment. Decontamination costs for removal of the lead furnace total \$360.00. This involves 3 maintenance personnel working together for 8 hours.
3. Decontamination of floors in storage area #1 and #2. Decontamination costs for the floors totals \$30.00; this involves 1 person working for 1 hour in each storage area.
4. Supervision. All closure activities will be supervised by FMC at a labor rate of \$20.00/Hour.
5. Closure Certification. The cost of certification of closure by an independent professional engineer is estimated on the basis of a labor rate of \$50.00/HOUR.
6. Total Cost. Total costs were calculated by adding \$100.00 administrative costs.

February 17, 1985

TABLE F-1
CLOSURE COST ESTIMATE

TRANSPORTATION AND DISPOSAL	
100 BARRELS @ \$97.00/BARRELS	\$9700.00
REMOVAL OF LEAD FURNACE	
24 HOURS @ \$15.00/HOUR	360.00
DECONTAMINATION OF FLOORS IN STORAGE	
AREA #1 AND #2	
2 HOURS @ \$15.00/HOUR	30.00
SUPERVISION AND FMC CERTIFICATION	
15 HOURS @ \$20.00/HOUR	300.00
INDEPENDENT P.E. CERTIFICATION	
4 HOURS @ \$50.00/HOUR	200.00

SUBTOTAL	\$10,590.00
ADMINISTRATIVE EXPENSE	100.00

TOTAL CLOSURE COST	\$10,690.00
1985 adjustment \$10,690 X 0.032	342.00

NEW TOTAL CLOSURE COST	\$11,032.00

February 17, 1986

F-5 FINANCIAL ASSURANCE MECHANISM FOR CLOSURE [40 CFR 265.143]

Financial assurance for closure costs is provided by a demonstration that FMC meets the financial test to guarantee the availability of closure funds. Appendix F-1 contains a letter from the Chief Financial Officer of FMC providing the required information.

F-6 COST ESTIMATE FOR POST CLOSURE [40 CFR 265.144]

Post closure care will not be necessary for this facility as it is not a disposal facility.

F-7 FINANCIAL ASSURANCE FOR POST CLOSURE [40 CFR 265.145]

Financial assurance for post closure is not necessary for this facility as it is not a disposal facility.

February 17, 1985

F-8 LIABILITY INSURANCE [40 CFR 265.147]

F-8a Sudden and Accidental Occurrences.

The Detroit plant of FMC is insured for liability arising from sudden and accidental occurrence under a Corporate Comprehensive General Liability Policy. Evidence of such insurance in the amount of \$1 Million per occurrence and \$2 Million annual aggregate exclusive of legal defense costs is included in Appendix F.2.

F-8b Non Sudden Occurrences

FMC is a storage facility; therefore, it requires no liability insurance for non-sudden accidental occurrences.

F-9 STATE ASSUMPTION OF RESPONSIBILITY [40 CFR 265.150]

FMC does not plan to request State assumption of the legal or financial responsibilities at this time.

February 17, 1986

APPENDIX F.1

FINANCIAL ASSURANCE MECHANISM

February 17, 1986

APPENDIX F.2

EVIDENCE OF LIABILITY INSURANCE

MEETING ROSTER

[illegible]

SETTLEMENT CONFERENCE

NAME FITZSIMONS MFC. CO.; DETROIT

DATE SEPTEMBER 24, 1986

SUBJECT ADMIN. ORDER ISSUED 9/12/86

SUMMARY OF CONFERENCE David Tyler of FitzSimons Co. met w/ John McPhee and myself to discuss settlement of complaint which cited the facility for not having an adequate closure plan for their hazardous waste storage facility. Mr. Tyler explained that the hazardous waste (PbO₂-lead) is generated at their Bay Rapids, MI plant and until recently was transported down to their Detroit plant for recovery of the lead. The company, however, has found an outside facility to which they will be sending all hazardous waste for recovery. Therefore, they will be going through formal closure of the Detroit TSD site. Mr. Tyler submitted a closure plan at the time of our meeting. We indicated we would be referring the plan to our permit unit for review & approval/denial. We also indicated that the co. would need to submit financial assurance for closure as required per 265.143. Mr. Tyler indicates he will be submitting letter of credit. They also will continue their attempts to obtain liability coverage as per 265.147.

Re: penalty. - EPA stated that we felt the penalty to be justifiable and were not willing to negotiate unless Co. felt there was strong mitigating factors. Co. did not & indicated they would likely agree to pay 100,000.

FitzSimons Manufacturing Company

ESTABLISHED 1918

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234
(313) 891-4800 • TELEX: 23-0564

October 2, 1986

RECEIVED
OCT 02 1986
U.S. EPA REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT ROOM

Ms. Laura Lodisio
U.S. EPA Region V
Waste Management Division
230 South Dearborn St.
Chicago, Ill 60604

Dear Ms. Lodisio:

Attached is a copy of FitzSimons Manufacturing Company's Financial Assurance Mechanism and Evidence of Inability to provide Liability Insurance for our closure plan.

If I can be of any further assistance, please contact me directly at (616) 796-2691.

Very Truly Yours,

D. R. Tyler
D. R. Tyler
Plant Superintendent
FitzSimons Manufacturing Company

RECEIVED
OCT 03 1986
SOLID WASTE DIVISION
U.S. EPA REGION V

enclosure

APPENDIX I.1

FINANCIAL ASSURANCE MECHANISM

Copper and Brass Sales

(313) 775-7710

CORPORATE SERVICES DIVISION
17401 TEN MILE ROAD
EAST DETROIT, MICHIGAN 48021

Mr. Valdas V. Adamkus, Regional Administrator
Region 5
Environmental Protection Agency
Federal Building
230 South Dearborn
Chicago, Illinois 60604

Dear Sir:

I am the chief financial officer of Copper and Brass Sales, Inc., 17401 Ten Mile Road, East Detroit, Michigan 48021. This letter is in support of the use of the financial test to demonstrate financial assurance, as specified in Subpart H of 40 CFR Parts 264 and 265.

1. This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:

None

2. This firm guarantees, through the corporate guarantee specified in Subpart H of CFR Parts 264 and 265, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility:

Region 5	Closure	Post-Closure
MID005354949		
FitzSimons Manufacturing Company	\$10,000	N/A
3775 East Outer Drive		
Detroit, Michigan 48234		

3. In states where EPA is not administering the financial requirements of Subpart H of 40 CFR Parts 264 and 265, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to be the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility:

None

ALUMINUM . COPPER . BRASS . BRONZE . STAINLESS STEEL . NICKEL
DETROIT . GRAND RAPIDS . CLEVELAND . DAYTON . CHICAGO . OAKLAND . LOS ANGELES . NORTH ATTLEBORO . ATLANTA

OVER 50 YEARS OF INSTANT INVENTORY

4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated either to EPA or a state through the financial test or any other financial assurance mechanism specified in Subpart H or 40 CFR Parts 264 and 265 or equivalent or substantially equivalent state mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

None

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived for this firm's independently audited, year-end financial statements for the latest completed fiscal year ended December 31, 1985.

Alternative I

1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown in the four paragraphs above).	\$ 10,000	
*2. Total liabilities (if any portion of the closure or post closure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4).	33,198,000	
*3. Tangible net worth	36,125,000	
*4. Net worth	36,290,000	
*5. Current Assets	49,562,000	
*6. Current Liabilities	14,023,000	
*7. Net working capital (line 5 minus line 6)	35,539,000	
*8. The sum of net income plus depreciation, depletion and amortization	6,109,000	
*9. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.)	69,488,000	
	<u>YES</u>	<u>NO</u>
10. Is line 3 at least \$10 million?	X	
11. Is line 3 at least 6 times line 1?	X	
12. Is line 7 at least 6 times line 1?	X	
13. Are at least 90% of firm's assets located in the U.S.? If not, complete line 14	X	
14. Is line 9 at least 6 times line 1?	X	
15. Is line 2 divided by line 4 less than 2.0?	X	
16. Is line 8 divided by line 2 greater than 0.1?	X	
17. Is line 5 divided by line 6 greater than 1.5?	X	

Page Four

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR 264.151(f) as such regulations were constituted on the date shown immediately below.



Wayne C. Wright
Secretary/Treasurer
September 29, 1986

WCW:k1

APPENDIX 1.2

EVIDENCE OF INABILITY TO PROVIDE LIABILITY INSURANCE

Marsh & McLennan

Marsh & McLennan
One Woodward Avenue, Suite 1200
Detroit, Michigan 48226-3493
Telephone 313 965-5400

September 25, 1986

Mr. Joseph Goerlich
Copper & Brass Sales, Inc.
17401 E. Ten Mile Road
East Detroit, MI 48021

RE: Pollution Insurance

Dear Joe:

As you requested, I have reviewed your Casualty policies for Pollution coverage. Both Gradual, Sudden and Accidental Pollution are specifically excluded from your policies.

In prior years, limited coverage was available. The current marketplace, including Wausau, is unwilling to provide any Pollution coverage.

Sincerely,

MARSH & McLENNAN



Arthur N. Dushary
Commercial Brokerage Department

AND:kat

cc: Ted Bott
Marsh & McLennan

**C.2 Compliance/
Enforcement**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

13 MAR 1987

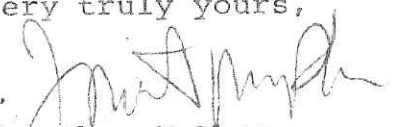
Honorable Gerald Harwood
Chief Administrative Law Judge
Office of Administrative Law
Judges (A-110)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: Fitzsimons Manufacturing Co.
V-W-86-R-74

Dear Judge Harwood:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order in the above-referenced matter. This matter has been fully resolved by settlement and can be removed from your docket.

Very truly yours,


Jonathan McPhee
Counsel for Complainant

w/o Enclosure

cc: James G. Farsone
Attorney for Respondent

Beverly Shorty
Regional Hearing Clerk

Enclosure

Penalty #2,812

DEC 24 1986

5HE-12

#250.862.628

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James G. Fausone
Kykema, Gossett, Spencer,
Goodman & Trigg
35th Floor
400 Renaissance Center
Detroit, MI 48243

RE: Consent Agreement and Final Order
FitzSimons Manufacturing Company
Detroit, Michigan
Docket Number V-W-86-R74

Dear Mr. Fausone:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by Mr. R.F. Sears of FitzSimons Manufacturing Company, Detroit, Michigan. A fully executed copy of the Consent Agreement and Final Order is enclosed for your client's files.

Your cooperation in resolving this matter is appreciated.

Sincerely,

William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: Gary Guenther, Chief ✓
Hazardous Waste Division
Michigan Department of Natural Resources



Benedict Okwumabua, District Supervisor ✓
Michigan Department of Natural Resources

Raymond F. Sears, Plant Manager ✓
FitzSimons Manufacturing Company
3775 E. Outer Drive
Detroit, MI 48234

David R. Tyler ✓
FitzSimons Manufacturing Company
600 DeKraft Avenue
Big Rapids, MI 49307

bcc: B. Small (WH-527) ✓
D. Springer (SM-13) ✓
D. Reape (HWEB-12) ✓
J. McPhee (5CS-16) ✓
L. Lodisio (5HE-12) ✓

✓
LLODISIO:slowery:12-1-86

Regional Humming Club ✓

	TYPIST	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. SEC'Y	SECT. CHIEF	HWEB CHIEF	WHD CH
REL. DATE	S. Lowery 12-1-86	LL 12/4/86			CP 12/5/86	WEM 12/5/86		

cc 12/18



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HE-12

DEC 24 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James G. Fausone
Kykema, Gossett, Spencer,
Goodman & Trigg
35th Floor
400 Renaissance Center
Detroit, MI 48243

RE: Consent Agreement and Final Order
FitzSimons Manufacturing Company
Detroit, Michigan
Docket Number V-W-86-R74

Dear Mr. Fausone:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by Mr. R.F. Sears of FitzSimons Manufacturing Company, Detroit, Michigan. A fully executed copy of the Consent Agreement and Final Order is enclosed for your client's files.

Your cooperation in resolving this matter is appreciated.

Sincerely,

William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: Gary Guenther, Chief
Hazardous Waste Division
Michigan Department of Natural Resources

Benedict Okwumabua, District Supervisor
Michigan Department of Natural Resources

Raymond F. Sears, Plant Manager
FitzSimons Manufacturing Company
3775 E. Outer Drive
Detroit, MI 48234

David R. Tyler
FitzSimons Manufacturing Company
600 DeKraft Avenue
Big Rapids, MI 49307

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)	DOCKET NO. V-W-86-R-74
)	
FITZSIMONS MANUFACTURING COMPANY)	CONSENT AGREEMENT
3775 EAST OUTER DRIVE)	AND FINAL ORDER
DETROIT, MICHIGAN 48234)	
)	
EPA I.D. NO.: MID 005 354 949)	

PREAMBLE

On September 12, 1986, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act as amended (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is FitzSimons Manufacturing Company.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation, and Compliance Order (Docket No. V-W-85-R-74) in this matter.
2. Respondent is a Michigan Corporation whose registered agent in Michigan is Mr. William K. Howenstein. Respondent owns and operates a facility located at 3775 E. Outer Drive, Detroit, Michigan 48234 (the "facility").
3. Respondent admits the jurisdictional allegations contained in the Complaint.

4. Respondent admits the specific factual allegations contained in the Complaint.

5. Respondent explicitly waives its right to request a hearing on the allegations contained in the Complaint.

6. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.

FINAL ORDER

Based on the foregoing stipulations, the parties agree to the entry of this Consent Agreement and Final Order (CAFO).

A. Respondent, shall, within fifteen (15) days of execution of this Consent Agreement and Final Order by the Regional Administrator submit to U.S. EPA and the Michigan Department of Natural Resources a facility closure plan, stating intent to close, in accordance with 40 CFR 265, Subpart G for approval pursuant to the requirements of 40 CFR 265.112 and the Michigan Hazardous Waste Management Act, 1979, P.A. 64; R299.11003, Rule 1003(1)(m).

B. Respondent shall, within 90 days after approval of the closure plan, remove from the site all hazardous wastes in accordance with the approved closure plan pursuant to the requirements of 40 CFR 265.113 and the Michigan Hazardous Waste Management Act, 1979, P.A. 64; R299.11003, Rule 1003(1)(m).

C. Respondent shall, upon completion of closure, submit to the Regional Administrator certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications of the approved closure plan pursuant to the requirements of 40 CFR 265.115 and the Michigan Hazardous Waste Management Act, 1979, P.A. 64; R299.1103, Rule 1003(1)(m).

D. Respondent shall, within thirty (30) days of the execution of this Consent Agreement and Final Order by the Regional Administrator, pay a civil penalty in the amount of TWO THOUSAND EIGHT HUNDRED AND TWELVE DOLLARS (\$2,812.00).

The payment of the civil penalty shall be submitted in the form of a check or money order payable to the Treasurer of the United States of America and remitted to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. In addition, a copy of the transmittal of the payment should be sent to Ms. Beverly Shorty, Regional Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois, 60604 and the Office of Regional Counsel, SWERB Secretary, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

E. Interest shall accrue on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed after thirty (30) days, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety days of the date required in paragraph (D) of this Consent Agreement and Final Order.

Failure to comply with any requirement of the Consent Agreement and Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms of this Consent Agreement and Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

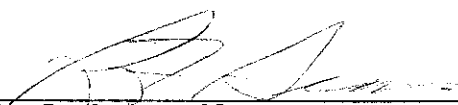
Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or other statutory authority should the U.S. EPA determine that the handling of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

SIGNATORIES

Each undersigned representative of a signatory to this Consent Agreement and Final Order consisting of 5 pages certifies that he or she is fully authorized to enter in the terms and conditions of this Consent Order and to legally bind such signatory to this document.

Agreed this 26TH day of NOVEMBER, 1986.

By


R. F. Sears, Plant Manager
FitzSimons Manufacturing Company
3775 E. Outer Drive
Detroit, Michigan 48234

Agreed this 16th day of December, 1986.

By Basil G. Constantelos
Basil G. Constantelos, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this 19th day of December, 1986

By Valdas V. Adamkus
Valdas V. Adamkus
Regional Administrator

DEC 16 1986

FitzSimons Manufacturing Company
Detroit, Michigan
V-W-86-R-85

Robert B. Schafer
Regional Counsel

and

Basil G. Constantelos, Director
Waste Management Division

Valdus V. Adamkus
Regional Administrator

Please find attached a Consent Agreement and Final Order for your review and signature to resolve the above-referenced matter.

The Respondent has agreed to close their storage facility in accordance with the RCRA requirements and to pay the entire amount of the proposed penalty (\$2,812.00).

We recommend your approval of this agreement.

bcc: Jonathon McPhee, ORC

jm 12/9/86
ACZ 12/9/86
ACZ me 12/11/86
ACZ 12/11/86
ACZ 12/11/86
ACZ 12/11/86
ACZ 12/11/86
ACZ 12/11/86
ACZ 12/11/86
ACZ 12/11/86

INT. DATE	TYPIST	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. SEC'Y	SECT. CHIEF	HWER CHIEF	WFO CHIEF
	Silovey 12-1-86	JSF 12/4/86			WEP 12/5/86	WEN 12/5/86	MWH 12/8	JSF 12/16

RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

PART I BACKGROUND

Facility Name FITZSIMONS MFC - Co.
 Facility RCRA ID Number MID 005 354 949
 Docket Number V-W-86-R-85
 RES Assignee LODISIO ORC Assignee MCPHEE
 Summary of Agreement CO. WILL CLOSE SITE FACILITY
& PAY 100% OF PENALTY.

PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
RES Assignee	<u>[Signature]</u>	<u>12/4/86</u>	<u>[Signature]</u>	
Chief, RCRA Enf. Unit	<u>[Signature]</u>	<u>12/5/86</u>	<u>[Signature]</u>	
Chief, RCRA Enf. Sect.				
Asst. Regional Counsel				
Chief, S.W.E.R. Sect.				

PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

PART IV FINAL CAFO APPROVAL

RES Assignee	<u>[Signature]</u>	<u>12/4/86</u>	<u>✓</u>	
Chief, RCRA Enf. Unit	<u>[Signature]</u>	<u>12/5/86</u>	<u>✓</u>	
Chief, RCRA Enf. Sect.	<u>WEM</u>	<u>12-5-86</u>	<u>✓</u>	
Chief, HWB	<u>[Signature]</u>	<u>12/8</u>	<u>✓</u>	
Asst. Regional Counsel	<u>[Signature]</u>	<u>12/9/86</u>	<u>✓</u>	
Chief, S.W.E.R. Sect.	<u>[Signature]</u>	<u>12/9/86</u>	<u>✓</u>	
Chief, S.W.E.R. Branch	<u>[Signature]</u>	<u>12/9/86</u>	<u>✓</u>	
Deputy, Regional Counsel	<u>[Signature]</u>	<u>12/11/86</u>	<u>✓</u>	
Regional Counsel	<u>[Signature]</u>	<u>12/12/86</u>	<u>✓</u>	
Director, WMD	<u>[Signature]</u>	<u>12/16</u>	<u>✓</u>	
Regional Administrator				

PART V RETURN TO D. REAPE, 5HE-12, FOR MAILING

LAW OFFICES
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

35TH FLOOR
400 RENAISSANCE CENTER
DETROIT, MICHIGAN 48243

TELEPHONE (313) 568-6800

TELECOPIER (313) 568-6594

TELEX: 23-0121

CABLE: DYKE-DETROIT

October 10, 1986

VIA FEDERAL EXPRESS

Ms. Beverly Shorty
Regional Hearing Clerk (5MF-14)
United States Environmental
Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

RECEIVED
OCT 14 1986
U.S. EPA REGION V
WASTE MANAGEMENT DIVISION
Hazardous Waste Enforcement Unit

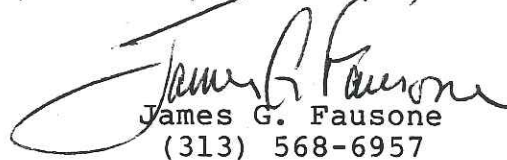
Re: Complaint #V-W-86-R-74

Dear Ms. Shorty:

Enclosed please find a Notice of Appearance and an Answer of FitzSimons Manufacturing Company to Complaint #V-W-86-R-74. A formal hearing is requested as well as an informal conference.

Very truly yours,

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG


James G. Fausone
(313) 568-6957

JGF:dh

Enc.

cc: Jonathan T. McPhee
Office of Regional Counsel (5C-16)

Laura Lodisio ✓
RCRA Enforcement Sect (5HE-12)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF

FITZSIMONS MANUFACTURING CO.
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234

Docket No. V-W-86 R-74

EPA I.D. NO: MID 005 354 949

NOTICE OF APPEARANCE

Respondent, FitzSimons Manufacturing Co. requests the Regional Hearing Clerk to note the appearance of its counsel in this matter and requests all correspondence be directed to them hereinafter.

Respectfully submitted,

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

By: 

James G. Fausone
Attorney for Respondent
35th Floor, 400 Renaissance Center
Detroit, Michigan 48243
(313) 568-6957

Dated: October 10, 1986

cc: Jonathan T. McPhee
Office of Regional Counsel
U.S.E.P.A. Region V

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

FITZSIMONS MANUFACTURING CO.
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234

Docket No. V-W-86-R-74

EPA I.D. No: MID 005 354 949

ANSWER AND REQUEST FOR HEARING

DYKEMA, GOSSETT, SPENCER,
GOODNOW & TRIGG
James W. Collier
James G. Fausone
Attorneys for FitzSimons
Manufacturing Company
35th Floor
400 Renaissance Center
Detroit, MI 48243
(313) 568-6800

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG • 35TH FLOOR • 400 RENAISSANCE CENTER • DETROIT, MICHIGAN 48243

ANSWER

FitzSimons Manufacturing Co. ("FitzSimons Mfg.") received the Complaint, Findings of Violation and Order in this matter on or about September 12, 1984. The Complaint alleges FitzSimons Mfg. is in violation of 40 CFR 265, Subpart G of the Resource Conservation and Recovery Act of 1976 as amended (RCRA).

FitzSimons Mfg. denies the allegations of the Complaint and takes issue with the proposed Compliance Order and therefore requests a public hearing and a pre-hearing conference.

FINDINGS AND DETERMINATIONS

1. FitzSimons Mfg. admits the allegations of Paragraph 1 except that it does not store hazardous waste.

2-5. Paragraphs 2-5 of the Complaint consist of statements and conclusions of law which FitzSimons Mfg. denies to the extent said statements or conclusions are contrary to applicable law.

6. FitzSimons Mfg. admits the allegations contained in Paragraph 6 of the Complaint.

7-9. Paragraphs 7-9 of the Complaint contain legal conclusions which FitzSimons Mfg. denies to the extent they are contrary to the law.

10. FitzSimons Mfg. admits it operated without achieving interim status by failure to submit a Part A application. In further response, FitzSimons Mfg. states it no longer stores hazardous waste at its facility.

11. FitzSimons Mfg. admits the allegations contained in Paragraph 11 of the Complaint.

12. FitzSimons Mfg. admits the allegations contained in Paragraph 12 of the Complaint.

13. FitzSimons Mfg. admits the allegations contained in Paragraph 13 of the Complaint.

14. FitzSimons Mfg. admits the allegations contained in Paragraph 14 of the Complaint.

15?
16.(sic) FitzSimons Mfg. admits the allegations contained in Paragraph 16 of the Complaint.

17.(sic) FitzSimons Mfg. admits the allegations contained in Paragraph 17 of the Complaint.

18.(sic) FitzSimons Mfg. admits the allegations contained in Paragraph 18 of the Complaint.

19.(sic) FitzSimons Mfg. admits the allegations contained in Paragraph 19 of the Complaint.

DEFENSE STATEMENT

FitzSimons Mfg defends this Complaint based upon the fact that it has repeatedly made efforts to comply with the technical requirements of RCRA. Its employees have contacted U.S. EPA and MDNR officials on numerous occasions to obtain insight and guidance in an effort to comply with the requirements. In fact, FitzSimons Mfg. filed a complete closure plan with U.S. EPA dated February 17, 1986. This closure plan is not referred to or mentioned in the Administrative Complaint. As recently as October 7, 1986, FitzSimons Mfg. forwarded to the U.S. EPA and MDNR amendments to that closure plan.

The U.S. EPA now seeks a Compliance Order requiring that a closure plan be filed within fifteen (15) days when in fact such a plan has previously been filed. The U.S. EPA seeks relief which it cannot be granted since the same has already been acted upon.

ASSESSMENT OF PENALTY

FitzSimons Mfg. contests the penalty of Two Thousand Eight Hundred and Twelve Dollars (\$2,812.00). FitzSimons Mfg. respectfully challenges the EPA's determination of the existence of a violation, its seriousness and the potential harm to human health and the environment resulting from the conduct of the Respondent.

NOTICE OF OPPORTUNITY FOR HEARING

FitzSimons Mfg. requests a public hearing and informal conference to contest factual allegations and the appropriateness of the compliance schedule.

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

By: 

James W. Collier

James G. Fausone

Attorneys for FitzSimons Mfg. Co.

35th Floor, 400 Renaissance Center

Detroit, MI 48243

(313) 568-6957

Dated: October 10, 1986

SEP 12 1968

5HE-12

611,588-378

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co.
17401 East Ten Mile Road
East Detroit, Michigan 48021

V-W- 86 R- 74

Re: Complaint, Findings of Violation
and Compliance Order
Fitzsimons Manufacturing Co.
EPA I.D. No: MID 005 354 949

Dear Mr. Howenstein:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by Fitzsimons Manufacturing Company of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on an inspection of the facility located at 3775 E. Outer Drive, Detroit, Michigan by the Michigan Department of Natural Resources, and other information in our files. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to closure requirements.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverly Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days from receipt of this Complaint. A copy of your request should also be sent to Jonathan T. McPhee, Office of Regional Counsel (5C-16) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following the receipt of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Laura (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. Her phone number is (312) 886-7090.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosures *EPRV*

cc: Raymond F. Sears
Fitzsimons Manufacturing Co.
3775 East Outer Drive
Detroit, Michigan 48234

250,772,281

Delbert Rector, Chief
Hazardous Waste Division
Michigan Dept. of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

Benedict Okwumabua/Faye Dade
Michigan Dept. of Natural Resources
Hazardous Waste Division
15500 Sheldon Road
Northville, Michigan 48167

bcc: Robert Small, OWPE (WH-527) ✓
Jonathan T. McPhee, ORC (5C-16) ✓
Denise Reape (5HE-12) ✓
Regional Hearing Clerk (5MF-14) ✓
Michigan Permit Unit (5HS-13)

5HE-12:LLODISIO:bphillips:6-7090:7-23-86

STAFF ATTORNEY *JM 9/5/86*
SECTION CHIEF *JA 9-3-86*
BRANCH CHIEF *JA 9-3-86*
DEPUTY REG. COUNSEL *R 9/3/86*
REGIONAL COUNSEL
OTHER
OTHER

DATE	TYPE	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. SEC'Y	SECT. CHIEF	HWB CHIEF	WMD DIR
8-25-86	B.P.		<i>LL 8/25/86</i>	<i>RCV 8-25-86</i>	<i>RS for AP 8/20</i>	<i>WEY 9/29/86</i>	<i>10/1/86</i>	<i>MG 6-60MD</i>

9/11/86



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co.
17401 East Ten Mile Road
East Detroit, Michigan 48021

Re: Complaint, Findings of Violation
and Compliance Order
Fitzsimons Manufacturing Co.
EPA I.D. No: MID 005 354 949

Dear Mr. Howenstein:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by Fitzsimons Manufacturing Company of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on an inspection of the facility located at 3775 E. Outer Drive, Detroit, Michigan by the Michigan Department of Natural Resources, and other information in our files. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to closure requirements.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverly Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days from receipt of this Complaint. A copy of your request should also be sent to Jonathan T. McPhee, Office of Regional Counsel (5C-16) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Laura Lodisio, United States Environmental Protection Agency, RCRA Enforcement Section (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. Her phone number is (312) 886-7090.

Sincerely,

m. a. Constantelos

f Basil G. Constantelos, Director
Waste Management Division

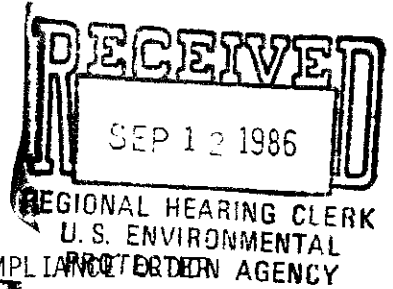
Enclosures

cc: Raymond F. Sears
Fitzsimons Manufacturing Co.
3775 East Outer Drive
Detroit, Michigan 48234

Delbert Rector, Chief
Hazardous Waste Division
Michigan Dept. of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

Benedict Okwumabua/Faye Dade
Michigan Dept. of Natural Resources
Hazardous Waste Division
15500 Sheldon Road
Northville, Michigan 48167

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V



IN THE MATTER OF)
)
FITZSIMONS MANUFACTURING CO.)
3775 EAST OUTER DRIVE)
DETROIT, MICHIGAN 48234)
)
EPA I.D. No: MID 005 354 949)

DOCKET NO.
COMPLAINT, FINDINGS
OF VIOLATION AND COMPLIANCE

V-W- 86 R- 74

COMPLAINT

This Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Fitzsimons Manufacturing Co., 3775 East Outer Drive, Detroit, Michigan.

This Complaint is based on information obtained by the U.S. EPA, including a compliance inspection conducted by the Michigan Department of Natural Resources (MDNR), on October 28, 1985. At the time of the inspection, violations of applicable State and Federal regulations were identified.

Pursuant to 42 U.S.C. §6928(a)(1), and based on the information above, it has been determined that Fitzsimons Manufacturing Co. has violated 40 CFR Part 265, Subpart G.

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), and 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

1. Respondent, Fitzsimons Manufacturing Company, is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15) who owns and operates a facility at 3775 East Outer Drive, Detroit, Michigan that generates and stores hazardous waste.
2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 also provides that no hazardous waste subject to regulation may be transported, treated, stored, or disposed of unless the required notification has been given.
3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.
4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal

facility to obtain a RCRA permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition of the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning the notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

6. The Respondent, Fitzsimons Manufacturing Company, owns and operates a facility located at 3775 East Outer Drive, Detroit, Michigan. The Respondent is a Michigan corporation whose registered agent is Mr. William K. Howenstein, 17401 East Ten Mile Road, East Detroit, Michigan 48021.

7. On January 4, 1985, the U.S. EPA promulgated new rules which amended its existing definition of solid waste used in implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). These rules are codified at 40 CFR Parts 260, 261 and 266. Most of these rules clarify and change which materials are regulated as Solid and Hazardous Waste when they are recycled.

8. All existing hazardous waste management facilities which treat, store or dispose of hazardous waste covered by the January 4, 1985, rules and which

qualify to manage these wastes under interim status under Section 3005(e) of RCRA were not allowed to manage the wastes covered by the January 4, 1985, rules after July 5, 1985, unless: (1) they filed a notification with U.S. EPA or an authorized State by April 4, 1985, and (2) they submitted a Part A permit application with U.S. EPA or an authorized State by July 5, 1985, as required at 40 CFR 270.10.

9. Under the Solid and Hazardous Waste Act Amendments of 1985, a facility is eligible for interim status if they were either in existence on November 19, 1980, or were in existence on the effective date of any statutory or regulatory change under RCRA that requires them to obtain a Section 3005 permit.

10. On or after July 5, 1985, Fitzsimons Manufacturing Company had stored hazardous waste which is E.P. Toxic based on lead concentrations (U.S. EPA Hazardous Waste No. D008) which has been identified or listed as hazardous waste under Section 3001 of the Act, 40 CFR Part 261, without a permit and without having achieved interim status, in violation of Section 3005(a) of the Act. Interim status was not achieved because Fitzsimons Manufacturing Company failed to submit Part A of the application for a permit by July 5, 1985, as required by Section 3005 of the Act. The Respondent, Fitzsimons Manufacturing Company, stores hazardous waste which is E.P. Toxic based on lead concentrations. These wastes have been identified and listed as hazardous wastes under Section 3001 of the Act (U.S. EPA Hazardous Waste No. D008).

11. Notwithstanding the violation of the requirements of Section 3005(a) of the Act by Fitzsimons Manufacturing Company, the continued operation of the facility was determined to be in the public interest:

- (a) For a limited period of time until a final decision on its permit application has been made by U.S. EPA; and
- (b) If in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR Part 265, and
- (c) If in complete compliance with the conditions set forth in this Complaint.

12. On July 16, 1981, Respondent filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant to Section 3010 of RCRA. On October 1, 1985, Respondent filed Part A of the permit application with U.S. EPA pursuant to Section 3005 of RCRA requesting interim status.

13. On November 1, 1985, a Consent Agreement and Final Order (CAFO) was executed by the Regional Administrator of U.S. EPA, Region V. Stipulations of the Order stated that within 30 days of receipt of the CAFO, Respondent shall treat, store or dispose of any hazardous waste in compliance with Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265 and that Respondent's Part A application shall be accepted as if timely filed.

14. On October 28, 1985, MDNR conducted a RCRA inspection of Respondent's facility and observed the following violations:

- a. A written waste analysis plan was not available as is required by 40 CFR 265.13(b) and (c).
- b. A written inspection schedule had not been developed and followed as is required by 40 CFR 265.15(b).
- c. Facility personnel had not successfully completed a program of classroom or on-the-job hazardous waste training nor were training

records and documents maintained at the facility as is required by 40 CFR 265.16.

- d. A contingency plan had not been developed, maintained, nor distributed as is required by 40 CFR 265 Subpart D.
- e. A written operating record had not been developed, nor maintained, as is required by 40 CFR 265.73.
- f. A written closure plan had not been developed to comply with all requirements of 40 CFR 265 Subpart G.

16. The violations listed in Finding 15 above were documented in a letter of warning dated November 15, 1985, from MDNR to Respondent.

17. On December 13, 1985, Respondent submitted a letter of response to MDNR. On December 30, 1985, MDNR sent a second letter of warning to Respondent indicating that they were still in violation of items c, d and f of Finding 15, above.

18. On January 3, 1986, Respondent submitted a second letter of response. On January 14, 1986, MDNR sent a third letter of warning to Respondent indicating that they were still in violation of item f of Finding 15, above.

19. On January 5, 1986, Respondent submitted a letter to MDNR requesting a one month extension for achieving compliance with 40 CFR 265 Subpart G, Closure Requirements. As of the date of this Complaint, no further response has been received by MDNR.

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §5928, is entered:

A. Respondent shall immediately upon this Order becoming final cease all treatment, storage or disposal of any hazardous waste except such treatment, storage or disposal as shall be in compliance with the standards for hazardous waste treatment, storage and disposal facilities except as provided for in Paragraph B below.

B. Respondent shall, within 15 days of this Order becoming final submit to the U.S. EPA a closure plan which meets all the requirements of 40 CFR 265 Subpart G.

C. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604. Attention: Laura Lodisio, RCRA Enforcement Section.

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to:

Ms. Faye Dade
Michigan Department of Natural Resources
Hazardous Waste Division
15500 Sheldon Road
Northville, Michigan 48167

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of TWO THOUSAND EIGHT HUNDRED TWELVE DOLLARS (\$2,812) against the Respondent, Fitzsimons Manufacturing Co. pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment shall be sent to both the Regional Hearing Clerk, Planning and Management Division, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty. Unless said Respondent has requested in writing a hearing not later than thirty (30) days

from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written Answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your Answer and any subsequent documents filed in this action should be sent to Jonathan T. McPhee, Assistant Regional Counsel, at the same address.

Failure to answer within thirty days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your Answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said Answer should contain: (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Ms. Laura Lodisio, RCRA Enforcement Section (5HE-12), at the address cited above, or by calling her at (312) 886-7090.

Dated this 11th day of September, 1986.

M. a. Bode

Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co. and
17401 East Ten Mile Road
East Detroit, Michigan 48021

Mr. Raymond F. Sears
Fitzsimons Manufacturing Co.
3775 East Outer Drive
Detroit, Michigan 48234

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, at 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

Dated this 12 day of September, 1986.

Alan Sharp, Jr.
Secretary, Hazardous Waste Enforcement Branch
U.S. EPA, Region V

P 611 588 378

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, Feb. 1982
★ U.S.G.P.O. 1983-403-517

Sent to	
Mr. William K. Howenstein	
Registered Agent for	
Fitzsimons Manufacturing Co.	
Street and No.	
17401 East Ten Mile Road	
City and State	
East Detroit, MI 48021	
Postage	\$ 2.40
Certified Fee	75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 3.85
Postmark or Date	



L. LODISIO(5HE-12), U.S. EPA, 230 S. Dearborn, Chicago, IL

5HE-12 - Laura Lodisio

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:
Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co.
17401 East Ten Mile Road
East Detroit, Michigan 48021

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured	P 611 588 378
<input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD	
<input type="checkbox"/> Express Mail	

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

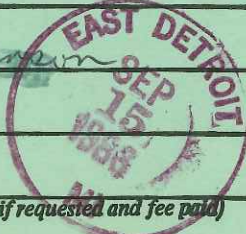
X *Thomas Wenzel*

6. Signature - Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



MID 005 354 949

DOMESTIC RETURN RECEIPT

P 250 772 281

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

* U.S.G.P.O. 1985-480-794

PS Form 3800, June 1985

Sent to	
R.F. Sears Fitzsimmons Mfg.	
3775 E. Outer Dr.	
P.O., State and ZIP Code Detroit, MI 48234	
Postage	\$ 56
Certified Fee	75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	281
Postmark or Date	

SHE-12

RCRA

L. LODISIO

US EPA

PS Form 3811, July 1983

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- ☐ Show to whom, date and address of delivery.
- ☐ Restricted Delivery.

3. Article Addressed to:

R.F. Sears
Fitzsimmons Mfg.
3775 E. Outer Drive
Detroit, MI 48234

4. Type of Service:

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

P 250 772 281

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

SEP 17 1986

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

L. Lodisio / McPhee

RCRA ENFORCEMENT ACTION SIGN-OFF

Enf

7-29-86

PART I. BACKGROUND

FACILITY NAME Fitzsimons Manufacturing Co.
FACILITY LOCATION 3775 E. Outer Dr., Detroit, MI
RCRA ID NUMBER MID 005 354 949
NATURE OF VIOLATION Closure Requirements.
40 CFR 265 - Subpart G

ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

WATER _____
AIR _____
OTHER _____

PART II. RECOMMENDATION 3008(a) RCRA Admin. Order

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>LLZ</u>	<u>7/29/86</u>	(✓)	()
CHIEF, RCRA ENF. UNIT	<u>RCK</u>	<u>7/29/86</u>	(✓)	()
CHIEF, RCRA ENF. SECTION	<u>WEM</u>	<u>7-31-86</u>	(✓)	()
ASSISTANT REGIONAL COUNSEL	<u>Jm</u>	<u>8/21/86</u>	(✓)	()

NAME & DATE OF STATE CONTACT NOTIFIED FAYE DADE (MDNR - DETROIT - (313) 459-9180) 8/21/86

PART IV. APPROVAL

1. PREPARER	<u>LLZ</u>	<u>8/25/86</u>	(✓)	()
2. CHIEF, RCRA ENF. UNIT	<u>RCK</u>	<u>8/25/86</u>	(✓)	()
3. CHIEF, RCRA ENF. SECTION	<u>WEM</u>	<u>8/28/86</u>	(✓)	()
4. CHIEF, H.W. ENF. BRANCH	<u>WEM</u>	<u>9/11/86</u>	(✓)	()
5. ASSISTANT REGIONAL COUNSEL	<u>Jm</u>	<u>9/15/86</u>	(✓)	()
6. CHIEF, S.W. & E.R. SECTION	<u>WEM</u>	<u>9/3/86</u>	(✓)	()
7. CHIEF, SOLID WASTE & EMER. RESPONSE BRANCH	<u>LK</u>	<u>9/3/86</u>	(✓)	()
8. REGIONAL COUNSEL	<u>WEM</u>	<u>9/13/86</u>	(✓)	()
9. DIRECTOR, WASTE MGT. DIV.	<u>WEM for WMD</u>	<u>9/11/86</u>	(✓)	()

[sign yellow]

NOTE: Attach sign-off sheet to yellow copy of the enforcement action.

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

~~RONALD O. SMOKE, Director~~

Gorden E. Guyer, Director
S.E. Michigan Field Office
15500 Sheldon Road
Northville, MI 48167

July 14, 1986

Mr. Rick Karl
U.S. EPA - Region V
230 S. Dearborn St.
Chicago, IL 60604

RE: Compliance Order
FitzSimons Manufacturing Co.
MID 005354949

Dear Mr. Karl:

On October 28, 1985, I performed a RCRA inspection (at the request of Region V - EPA) at FitzSimons Manufacturing Company located at 3775 E. Outer Drive, Detroit, MI. Six RCRA violations were cited during the inspection. Five of those violations were returned to compliance in a timely fashion. However, the company is in violation with one RCRA requirement, which is the following:

1. 40 CFR 265 Subpart G. No facility closure plan.

The letters of warning are as follows:

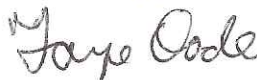
- The first LOW dated November 11, 1985, cited six RCRA violations.
- The second LOW dated December 30, 1985, cited three outstanding RCRA violations.
- The third LOW dated January 14, 1985, cited one outstanding RCRA violation, the closure plan.

A company response dated January 5, 1986 and received in our office on February 6, 1986, requested an extension to complete the closure plan requirements.

Page 2 7/14/86
Mr. Rick Karl
Compliance
FitzSimons Mfg. Co.
MID 005354949

In the interim there were a number of phone contacts with the company, discussing different aspects of the closure plan requirements, and some possible alternatives (eg., re-classification as a TSDF, eliminating re-cycle process, etc.). However to this date no closure plan has been received.

Sincerely,



Faye Dade
Hazardous Waste Division

FD/aw

cc: J. Bohunsky
B. Okwumabua

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

January 5, 1986

RECEIVED

FEB 06 1986

HAZARDOUS WASTE DIV

Faye M. Dade
M.D.N.R. - Hazardous Waste Division
15500 Sheldon Road
Northville, Michigan 48167

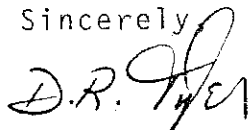
Dear Ms. Dade:

I am currently working on the closure plan for FitzSimons Manufacturing. However, I have run into some difficulties in understanding closure, so I am requesting a one month extension to complete the plan.

Swanson Environmental is going to send me a bid on writing a closure plan for this facility. Therefore, I am sure that one way or another, I will have the plan completed in the next month.

Thank you for your cooperation.

Sincerely



D. R. Tyler
Plant Administrator

DRT:jm

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
LENE J. FLUHARTY
PHEN V. MONSMA
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE
HARRY H. WHITELEY

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

RONALD O. SKOOG, Director

S.E. Michigan Field Office
15500 Sheldon Road
Northville, MI 48167

January 14, 1986

Mr. David Tyler
FitzSimmons Manufacturing Co.
3775 E. Outer Drive
Detroit, Michigan 48234

Re: MID 005354949

Dear Mr. Tyler:

This letter is to acknowledge receipt of your letter dated January 3, 1986 in response to RCRA deficiencies cited during my inspection on October 28, 1985.

I have reviewed the contingency plan and personnel training program and they appear to be satisfactory. However, I recommend that the following be addressed in your contingency plan, if applicable.

1. Include a list of all emergency equipment (already addressed fire extinguishers), locations, and its physical description, such as spill control equipment, communications and alarm systems.

2. Under the evacuation plan, describe signal (s) to be used to begin evacuation.

Also, the facility is still in violation of the closure plan requirements. 40 CFR Part 265, Subpart G.

You are requested to respond to this letter by February 10, 1986 providing documentation to this office regarding those actions taken to correct these violations. If you have any questions regarding this matter, please feel free to contact me at (313) 459-9180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Faye Dade".

Faye Dade
HAZARDOUS WASTE DIVISION

FD:mlm

cc: U.S. EPA, Region V
B. Okwumabua

FITZSIMONS MANUFACTURING CO.
INTER-DEPARTMENT COMMUNICATION

TO FAYE DADE

DATE 1-3-86

ENCLOSED IS THE CONTINGENCY PLAN, PERSONNEL
TRAINING MANUAL, COPIES OF THE CERTIFIED LETTER
STUBS FROM THE CONTINGENCY PLANS SENT TO THE
DETROIT POLICE, DETROIT FIREDEPT., AND HOLY CROSS
HOSPITAL, AND A COPY OF THE INSPECTION LOG
FORM BEING USED.

JAN 07 1986

SINCERELY,

DAVID TYLER

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

JAN 07 1986

7488016

40 CFR PART 265 - SUBPART D
CONTINGENCY PLAN AND EMERGENCY
PROCEDURES

FITZSIMONS MANUFACTURING COMPANY
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234
(313) 891-4800

INDEX

PAGE:	1.	Introduction
	2.	Emergency Coordinator Information
	3.	Emergency Procedure in case of a Fire in the Hazardous Waste Storage Areas
	4.	Emergency Procedure in Case of a Spill of Hazardous Waste
	5.	Detailed Physical and Chemical Analysis of the Hazardous Waste
	6.	Material Safety Data Sheet on Tin-Lead Solder - Basic Ingredient of the Hazardous Waste
	7.	Plant Layout Index
	8.	Plant Layout Diagram

INTRODUCTION

The following information must be used to minimize hazards to human health or the environment from fires, spills, or any unplanned sudden or non-sudden release of hazardous waste.

The Emergency Coordinators understand the information contained within and will make every effort possible to enforce the procedures and work with local agencies in the event of an emergency.

EMERGENCY COORDINATOR INFORMATION

Primary Emergency Coordinator

Raymond F. Sears

Office - 3775 East Outer Drive
Detroit, Michigan 48234 (313) 891-4800 Ext. 57

Home - 22520 Euclid
St. Clair Shores, Michigan 48082 (313) 293-4802

Alternate #1

David R. Tyler

Office - 3775 East Outer Drive
Detroit, Michigan 48234 (313) 891-4800 Ext. 87

Home - 8108 Constitution Apt. 3
Sterling Heights, Michigan 48078 (313) 264-7203

Alternate #2

Thomas A. Kanan

Office - 3775 East Outer Drive
Detroit, Michigan 48234 (313) 891-4800 Ext. 43

Home - 21914 Blackburn
St. Clair Shores, Michigan 48080 (313) 778-2661

Alternate #3

Danny T. Riley

Office - 3775 East Outer Drive
Detroit, Michigan 48234 (313) 891-4800 Ext. 59

Home - 9246 Meisner
Richmond, Michigan 48062 (313) 727-7977

EMERGENCY PROCEDURE IN CASE OF A FIRE IN THE HAZARDOUS
WASTE STORAGE AREAS

1. Avoid all fumes and smoke.
2. Exit the building at the nearest possible exit and go to the corner of Mt. Elliot and Outer Drive. Do not send anyone home until an employee count is performed to make sure the building is evacuated.
3. Contact the Detroit Fire Department at 911.
4. Contact the Detroit City Police at 911 or (313) 876-0254.
5. If an Emergency Coordinator is not present, contact him immediately.
6. Once the fire is extinguished, contact Great Lake Environmental Services Division at (313) 758-0400 (24 hour service), explain the situation, and request a spill response team to clean up the hazardous waste.
7. In the event a person has inhaled lead fumes or ingested lead, take them to Holy Cross Hospital immediately. Arrangements have been made to treat injuries of this nature (313) 369-9100.

EMERGENCY PROCEDURE IN CASE OF A SPILL OF HAZARDOUS WASTE

1. If an emergency coordinator is not present, contact him immediately.
2. Quarantine the spill area.
3. Based on the Emergency Coordinators evaluation, either clean up the site with the spill equipment, or contact Great Lakes Environmental Services Division at (313) 758-0400 (24 hour service), explain the situation and request a Spill Response Team.



Laboratory Services Division
3490 North 127th Street
Brookfield, Wisconsin 53005
telephone (414) 783-6111

REPORT NUMBER B 2696

ANALYTICAL REPORT

SHIP TO: Stock Brothers Corporation
Great Lakes Environmental Services
22077 Mound Road
P.O. Box 1208
Warren, MI 48090-1208

DATE October 16, 1985

PURCHASE ORDER NO. 4580 12-3687

SEI JOB NO. ME3221/L3954

DATE COLLECTED 9-19-85

DATE RECEIVED 9-25-85

PAGE 1 OF 1

Atten: Ms. Rita Gough

Solid Waste Sample (EP Toxicity)

Parameter	SEI ID Sample ID	3954-1 LB102
Arsenic, mg/l		<0.001
Barium, mg/l		1.6
Cadmium, mg/l		0.554
Chromium, mg/l		<0.05
Copper, mg/l		<0.02
Lead, mg/l		740
Mercury, mg/l		<0.0002
Nickel, mg/l		0.09
Selenium, mg/l		<0.002
Silver, mg/l		0.01
Zinc, mg/l		1,920
Cyanides, Total, mg/kg		0.22
pH		6.50
Flash Point, °F		140
Reactivity		None
Corrosivity		None

Fitzsimmons
RECEIVED
OCT 21 1985

STOCK BROTHERS CORP.

cc: John Prokes
Cathy Clemson

Respectfully Submitted
Swanson Environmental, Inc.

J. Kinscher
James Kinscher Norman Crabb, Ph.D.
Chemist Director

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

Form Approved
OMB No. 44-R1387

MATERIAL SAFETY DATA SHEET

Required under USDL Safety and Health Regulations for Ship Repairing,
Shipbuilding, and Shipbreaking (29 CFR 1915, 1916, 1917)

SECTION I

MANUFACTURER'S NAME ISCO A WHOLLY OWNED SUBSIDIARY OF: INDUSTRIAL SMELTING CO.		EMERGENCY TELEPHONE NO. (313) 892-5300
ADDRESS (Number, Street, City, State, and ZIP Code) 19430 MT. ELLIOTT AVE. DETROIT, MI 48234		
CHEMICAL NAME AND SYNONYMS TIN-LEAD SOLDER		TRADE NAME AND SYNONYMS
CHEMICAL FAMILY	FORMULA	

SECTION II - HAZARDOUS INGREDIENTS

PAINTS, PRESERVATIVES, & SOLVENTS	%	TLV (Units)	ALLOYS AND METALLIC COATINGS	%	TLV (Units)
PIGMENTS			BASE METAL LEAD (37-100)		5mg/m ³
CATALYST			ALLOYS 7/93 SOLDER		
VEHICLE			METALLIC COATINGS		
SOLVENTS			FILLER METAL PLUS COATING OR CORE FLUX		
ADDITIVES			OTHERS		
OTHERS					
HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES				%	TLV (Units)

SECTION III - PHYSICAL DATA

BOILING POINT (°F.)	N/A	SPECIFIC GRAVITY (H ₂ O=1)	8.8-11.4
VAPOR PRESSURE (mm Hg.)	N/A	PERCENT VOLATILE BY VOLUME (%)	N/A
VAPOR DENSITY (AIR=1)	N/A	EVAPORATION RATE (_____ =1)	N/A
SOLUBILITY IN WATER	I	MELTING POINT F	361-621
APPEARANCE AND ODOR	ODORLESS, SILVER-GRAY METAL. MAY BE IN WIRE, BAR, INGOT CAST OR POWDERED FORM.		

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (Method used)	NON-FLAMMABLE	FLAMMABLE LIMITS	N/A	Let	- Let
EXTINGUISHING MEDIA	N/A				
SPECIAL FIRE FIGHTING PROCEDURES	WEAR NIOSH/MSHA APPROVED SELF-CONTAINED BREATHING APPARATUS AND PROTECTIVE CLOTHING.				
UNUSUAL FIRE AND EXPLOSION HAZARDS	NONE				

SECTION V - HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE

(See section II)

EFFECTS OF OVEREXPOSURE

Early symptoms of lead intoxication include constipation, insomnia, gastrointestinal disorders, anemia, weakness, and joint pain.

EMERGENCY AND FIRST AID PROCEDURES

Remove immediately from further exposure and place individual under the care of an occupational physician. If ingested induce vomiting in a conscious individual and immediately call a physician.

SECTION VI - REACTIVITY DATA

STABILITY

UNSTABLE

CONDITIONS TO AVOID

N/A

STABLE

XX

INCOMPATIBILITY (Materials to avoid)

Strong Oxidizers

HAZARDOUS DECOMPOSITION PRODUCTS

At temperatures above the melting point, lead fumes may be evolved.

HAZARDOUS
POLYMERIZATION

MAY OCCUR

CONDITIONS TO AVOID

N/A

WILL NOT OCCUR

XX

SECTION VII - SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

A clean up procedure (vacuuming if possible) which minimizes exposure is required. If the possibility of dust or fume exists, wear approved respiratory protection (see below). Place all material in closed containers.

WASTE DISPOSAL METHOD

Dispose of material in accordance with Federal, State, and Local Air Pollution, water/pollution, and solid waste regulations. Recommend disposal in an EPA approved hazardous waste landfill.

SECTION VIII - SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION (Specify type)

NIOSH/MSHA approved respirator for toxic dust and/or fume (see below)

VENTILATION

LOCAL EXHAUST

SPECIAL

Required (see below)

MECHANICAL (General)

OTHER

PROTECTIVE GLOVES
(see below)

EYE PROTECTION
Recommended

OTHER PROTECTIVE EQUIPMENT

Protective/MSHA is required if lead exposures exceed the OSHA PEL or significant contact occurs. Remove all work clothing before leaving plant premises.

SECTION IX - SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING

Local exhaust ventilation and/or respiratory protection is required for melting, grinding, dressing, soldering, and other operations where airborne lead exposures in excess of the PEL may occur.

OTHER PRECAUTIONS

Avoid ingestion and inhalation. Practice good personal hygiene and housekeeping procedures (see OSHA lead standards). Wash thoroughly before smoking, eating, or drinking.

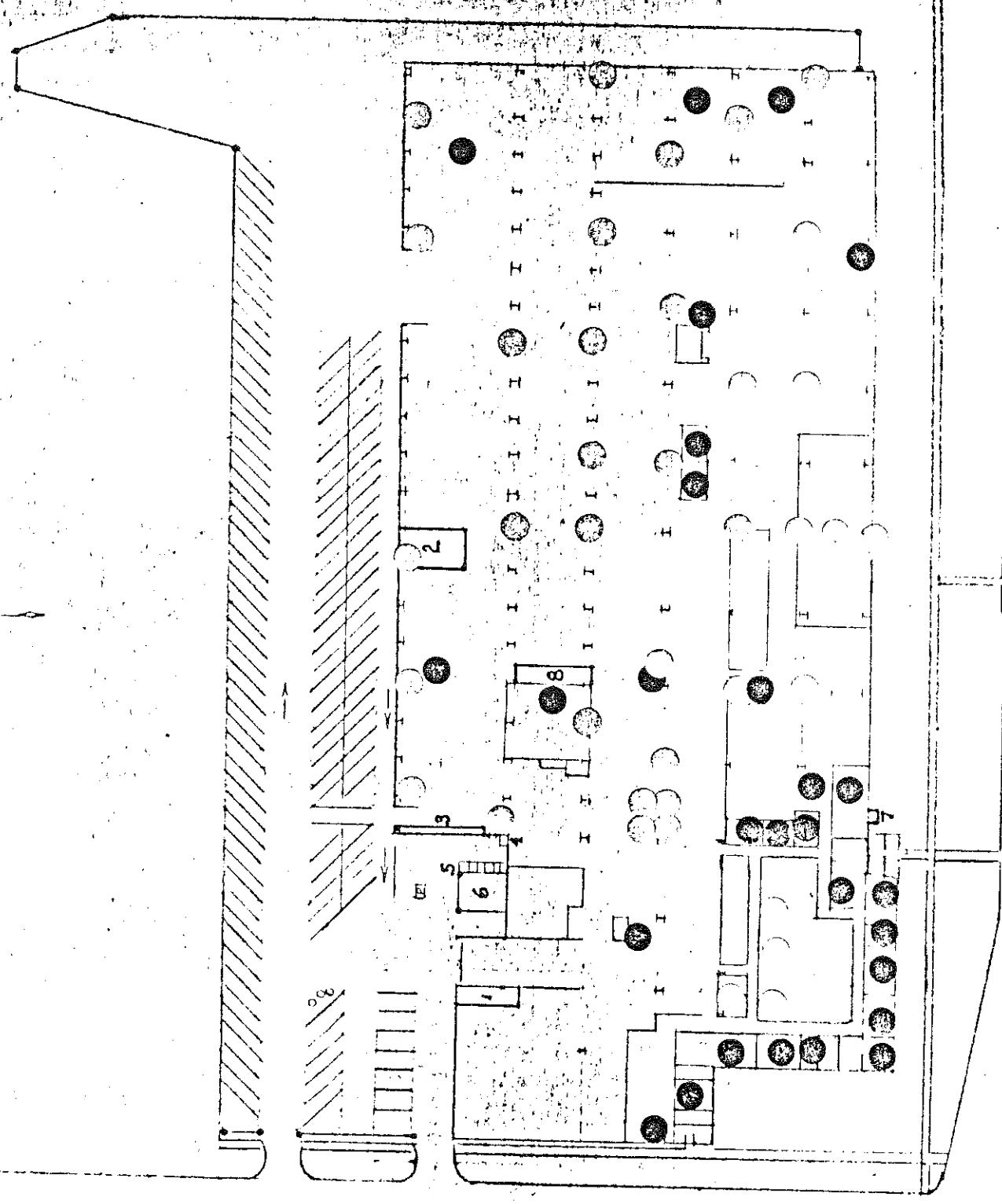
PLANT LAYOUT INDEX

1. Hazardous Waste Storage Area
 2. Hazardous Waste Storage Area and Lead Reclaim Furnace
 3. Oil Storage Area
 4. Indoor Gas Storage - Full Tanks - Oxygen, Argon, Liquefied Petroleum Gas
 5. Outside Gas Storage - Empty Tanks - Oxygen, Argon, Liquefied Petroleum
 6. Plant Power Station
 7. Natural Gas Inlet for Company
 8. Hi-lo Battery Storage
- Telephones
- Fire Extinguishers

MT. ELLIOTT

CUTER DRIVE

A



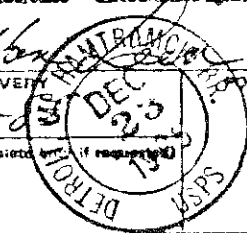
PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) <input checked="" type="checkbox"/> Show to whom and date delivered.....\$ <input type="checkbox"/> Show to whom, date and address of delivery.....\$ <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered.....\$ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Detroit Fire Department Operations Office 250 West Larned Detroit, MI 48226		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	802504	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent		
4. DATE OF DELIVERY 12-28-85		POSTMARK
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) <input checked="" type="checkbox"/> Show to whom and date delivered. \$ <input type="checkbox"/> Show to whom, date and address of delivery. \$ <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered. \$ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ _____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Commanding Officer of 11th Precinct 3812 East Davison Detroit, Michigan 48213		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	802503	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent		
4. DATE OF DELIVERY  POSTMARK		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

PS Form 3811 Jan 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mrs. Madeline Jones
 Holy Cross Hospital - 4777 E. Outer Dr
 Detroit, MI 48234

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	802505	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ Addressee ☐ Authorized agent

X Paul B. Becht

DATE OF DELIVERY *Jan 3 1985* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

ATTENTION FAYE DADE

12-13-85

ATTACHED ARE THE OPERATING RECORDS,
GENERAL INSPECTION SCHEDULE, INSPECTION
LOG, WASTE ANALYSIS SCHEDULE AND
WASTE ANALYSIS YOU REQUESTED.

DEC 16 1985

DAVID R. O'FARRELL

SINCERELY,
David R. O'Farrell

FitzSimons Manufacturing Company

ESTABLISHED 1916

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

FITZSIMONS MANUFACTURING COMPANY

GENERAL INSPECTION SCHEDULE PER 40CFR265.15

Each week in the calendar year the storage area must be inspected for container condition, storage area condition, communication equipment and safety equipment. If there are any types of deterioration, malfunctions, operator errors or discharges that release waste to the environment or cause a threat to human health, immediate action must be taken by the Emergency Coordinator to correct these discrepancies before they harm human health or the environment.

All records obtained from these inspections will be posted in the Hazardous Waste Inspection Log and kept on file for the life of the facility.

FITZSIMONS MANUFACTURING COMPANY HAZARDOUS
WASTE OPERATING RECORD-SHIPPIING

DATE	SHIPPING MANIFEST NUMBER	COMMON NAME/ PHYSICAL FORM	EPA HAZARDOUS WASTE NUMBER	QUALITY OF WASTE SHIPPED	CONTAINER TYPE	CROSS-REFERENCED RECEIVING MANIFEST NUMBERS	TOTAL QUALITY SHIPPED YEAR TO DATE
2-25-85	0525291	LEAD DROSS/SOLID	D008/003D	2200 G	SO1	NONE	2200 G
5-8-85	0525292	LEAD DROSS/SOLID	D008/003D	2200 G	SO1	NONE	4400 G
9-3-85	0525293	LEAD DROSS/SOLID	D008/003D	1925 G	SO1	NONE	6325 G
11/22-85	0644912	LEAD DROSS/SOLID	D008/003D	1265 G	SO1	0686007, 0686002, 0686003, 0686006	7560 G
12-11-85	0525294	LEAD DROSS/SOLID	D008/003D	935 G	SO1	0686004, 0686005	8495 G

FITZSIMONS MANUFACTURING COMPANY HAZARDOUS
WASTE OPERATING RECORD-RECEIVING

DATE	RECEIVING MANIFEST NUMBER	COMMON NAME/ PHYSICAL FORM	EPA HAZARDOUS WASTE NUMBERS	QUANTITY OF WASTE RECEIVED	CONTAINER TYPE	LOCATION	TREATMENT	TOTAL QUANTITY RECEIVED-YEAR TO DATE
0-4-85	0686007	LEAD DROSS/SOLID	D008/003D	110 G	SO1	S.A.1 (STORAGE AREA 1)	W.M. (WASTE MINIMIZATION)	110 G
0-11-85	0686002	LEAD DROSS/SOLID	D008/003D	330 G	SO1	S.A.1	W.M.	440 G
0-18-85	0686003	LEAD DROSS/SOLID	D008/003D	385 G	SO1	S.A.1	W.M.	825 G
0-23-85	0686006	LEAD DROSS/SOLID	D008/003D	330 G	SO1	S.A.1	W.M.	1155 G
1-1-85	0686004	LEAD DROSS/SOLID	D008/003D	715 G	SO1	S.A.1	W.M.	1870 G
-22-85	0686005	LEAD DROSS/SOLID	D008/003D	1210 G	SO1	S.A.1	W.M.	3080 G
2-6-85	0686009	LEAD DROSS/SOLID	D008/003D	330 G	SO1	S.A.1	W.M.	3410 G

SWANSON ENVIRONMENTAL INC.



November 12, 1985

NOV 18 1985

STEEL DRUMS CORP.

Lauren Benyi
Great Lakes Environmental Services Division
22077 Mound road
P.O. Box 1208
Warren, Michigan 48091-1208

Dear Lauren:

The solid waste sample (Fitz Simmons - LB102) which Swanson Environmental, Inc. (SEI) analyzed for Flash Point October 16, 1985 was found to be readily extinguishable and therefore not capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes and would not, when ignited, burn so vigorously and persistently as to create a hazard. SEI's laboratory has confirmed this after analyzing sample LB102 in-house in an open-cup furnace.

Sorry for the delay in amending this result. Thank you for allowing SEI to be of service to Great Lakes Environmental once again. Any questions, comments, or concerns, please feel free to contact me.

Sincerely,

SWANSON ENVIRONMENTAL, INC.

John A. Prokes
Environmental Scientist
Environmental Services

JAP/mh

FitzSimons Manufacturing Company

ESTABLISHED 1918

TUBULAR PARTS • STAMPINGS • ASSEMBLIES

3775 EAST OUTER DRIVE • DETROIT, MICHIGAN 48234

(313) 891-4800

TELEX: 23-0564

FITZSIMONS MANUFACTURING COMPANY

WASTE ANALYSIS PLAN PER 40CFR265.13

The waste being stored at this facility must have a detailed chemical and physical analysis performed one (1) time per calendar year.

This analysis will be repeated as necessary to ensure that it is accurate and up to date. When there is reason to believe that the process or operation generating the waste has changed, the analysis will be repeated as circumstances warrant.

To obtain an analysis contact:

Stock Brothers Corporation
Great Lakes Environmental Services
22077 Mound Road
P.O. Box 1208
Warren, Michigan 48090-1208
Attention: Lauren Benyi

HAZARDOUS WASTE INSPECTION LOG PER CFR40 PART 265.15

DATE - TIME	INSPECTOR	CONTAINER CONDITION	STORAGE AREA CONDITION	COMMUNICATION EQUIPMENT	SAFETY EQUIPMENT	REMARKS
11-4-85 2:00 P.M.	D. TYLER	55 GAL. BARRELS WERE SEALED, IDENTIFIED, NEW CONDITION	OK	OK	OK	EVERYTHING OK
11-11-85 10:00 A.M.	D. TYLER	1 BARREL WAS CRACKED DUE TO RUST *SEE REMARKS	OK	OK	OK	*THE MATERIAL WAS PUT IN A NEW BARREL & SEALED 12/11/85
11-18-85 2:25 P.M.	D. TYLER	EVERYTHING OK	OK	OK	OK	
11-25-85 8:00 A.M.	D. TYLER	EVERYTHING OK	OK	OK	OK	
12-2-85 9:00 A.M.	D. TYLER	EVERYTHING OK	OK	OK	OK	
12-9-85 3:00 P.M.	D. TYLER	EVERYTHING OK	OK	OK	OK	



Laboratory Services Division
3490 North 127th Street
Brookfield, Wisconsin 53005
telephone (414) 783-6111

REPORT NUMBER B 2696

ANALYTICAL REPORT

SHIP TO: Stock Brothers Corporation
Great Lakes Environmental Services
22077 Mound Road
P.O. Box 1208
Warren, MI 48090-1208
Atten: Ms. Rita Gough

DATE October 16, 1985
PURCHASE ORDER NO. 4580 22-31087
SEI JOB NO. ME3221/L3954
DATE COLLECTED 9-19-85
DATE RECEIVED 9-25-85
PAGE 1 OF 1

Solid Waste Sample (EP Toxicity)

Parameter	SEI ID Sample ID	3954-1 LB102
Arsenic, mg/l		<0.001
Barium, mg/l		1.6
Cadmium, mg/l		0.554
Chromium, mg/l		<0.05
Copper, mg/l		<0.02
Lead, mg/l		740
Mercury, mg/l		<0.0002
Nickel, mg/l		0.09
Selenium, mg/l		<0.002
Silver, mg/l		0.01
Zinc, mg/l		1,920
Cyanides, Total, mg/kg		0.22
pH		6.50
Flash Point, °F		140
Reactivity		None
Corrosivity		None

Fitzsimmons
RECEIVED
OCT 21 1985

STOCK BROTHERS CORP.

cc: John Prokes
Cathy Clemson

Respectfully Submitted
Swanson Environmental, Inc.

J. Kinscher
James Kinscher Norman Crabb, Ph.D.
Chemist Director

12/16/85

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

RONALD O. SKOOG, Director

November 15, 1985

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
KLENE J. FLUHARTY
STEPHEN V. MONSMA
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE
HARRY H. WHITELEY

S.E. Michigan Field Office
15500 Sheldon Road
Northville, MI 48167

Mr. David Tyler
FitzSimmons Manufacturing Co.
3775 E. Outer Drive
Detroit, MI 48234

RE: MID005354949

Dear Mr. Tyler:

On October 28, 1985, acting as a representative of the United States Environmental Protection Agency, I performed an inspection of your facility located at 3775 E. Outer Drive, Detroit, MI. The purpose of this inspection was to evaluate compliance of that facility with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA) as amended.

As a result of that inspection, it has been determined that the above facility is in violation of some of the requirements of subtitle (c) of RCRA. Specifically, the following was found:

1. No records available of the waste analysis plan. 40CFR Part 265.13. ✓
2. The facility has not developed a general inspection schedule and an Inspection Log. 40CFR Part 265.15. ✓
3. The facility has not conducted personnel training for employees involved in waste handling. 40CFR Part 265.16.
4. The facility has not developed a contingency plan. 40CFR 265 subpart D.
5. The facility has not developed operating records for waste received and stored on site. 40CFR Part 265.73. ✓
6. No facility closure plan. 40CFR Part 265 Subpart G.

You are requested to respond to this letter by December 16, 1985 providing documentation to this office regarding those actions taken to correct these violations. If you have any questions regarding this matter, please feel free to contact me at (313) 459-9180.

Sincerely,

Faye Dade

Faye Dade
HAZARDOUS WASTE DIVISION

FD:ejw
cc: U.S. EPA, Region V
B. Okwumabua

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
JERLENE J. FLUHARTY
STEPHEN V. MONSMA
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RAYMOND POUPORE
HARRY H. WHITELEY

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

RONALD O. SKOOG, Director

11/23/86
S.E. Michigan Field Office
15500 Sheldon Road
Northville, MI 48167

December 30, 1985

Mr. David Tyler
FitzSimmons Manufacturing Co.
3775 E. Outer Drive
Detroit, Michigan 48234

Re: MID 005354949

Dear Mr. Tyler:

This letter is to acknowledge receipt of your letter dated December 13, 1985, in response to RCRA deficiencies cited during my inspection on October 28, 1985.

However, the facility is still in violation of some of the requirements of Subtitle C of RCRA, specifically the following:

1. The facility does not have records of personnel training nor a personnel training program as required by 40 CFR 265.16.
2. The facility has not developed a contingency plan as required by 40 CFR 265 Subpart D.
3. No facility closure plan as required by 40 CFR Part 265, Subpart G.

You are requested to respond to this letter by January 23, 1986, providing documentation to this office regarding those actions taken to correct these violations. If you have any questions regarding this matter, please feel free to contact me at (313) 459-9180.

Sincerely,

Faye Dade

Faye Dade
HAZARDOUS WASTE DIVISION

FD:mlm

cc: U.S. EPA, Region V
B. Okwumabua

STATE OF MICHIGAN



NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
LENE J. FLUHARTY
PHEN V. MONSMA
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE
HARRY H. WHITELEY

JAMES J. BLANCHARD, Governor

S.E. Michigan Field Office
15500 Sheldon Road
Northville, MI 48167

DEPARTMENT OF NATURAL RESOURCES

RONALD O. SKOOG, Director

November 15, 1985

Mr. David Tyler
FitzSimmons Manufacturing Co.
3775 E. Outer Drive
Detroit, MI 48234

RE: MID005354949

Dear Mr. Tyler:

On October 28, 1985, acting as a representative of the United States Environmental Protection Agency, I performed an inspection of your facility located at 3775 E. Outer Drive, Detroit, MI. The purpose of this inspection was to evaluate compliance of that facility with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA) as amended.

As a result of that inspection, it has been determined that the above facility is in violation of some of the requirements of subtitle (c) of RCRA. Specifically, the following was found:

1. No records available of the waste analysis plan. 40CFR Part 265.13.
2. The facility has not developed a general inspection schedule and an Inspection Log. 40CFR Part 265.15.
3. The facility has not conducted personnel training for employees involved in waste handling. 40CFR Part 265.16.
4. The facility has not developed a contingency plan. 40CFR 265 subpart D.
5. The facility has not developed operating records for waste received and stored on site. 40CFR Part 265.73.
6. No facility closure plan. 40CFR Part 265 Subpart G.

You are requested to respond to this letter by December 16, 1985 providing documentation to this office regarding those actions taken to correct these violations. If you have any questions regarding this matter, please feel free to contact me at (313) 459-9180.

Sincerely,

Faye Dade
HAZARDOUS WASTE DIVISION

FD:ejw

cc: U.S. EPA, Region V
B. Okwumabua

RCRA INSPECTION REPORT

EPA Identification Number: M I D 005354949

Installation Name: FitzSimons Manufacturing Co.

Location Address: 3775 E. Outer Drive

City: Detroit

State: Michigan

Date of Inspection 10-28-85

Time of Inspection (from) 1³⁰ (to) 3⁰⁰

Person(s) Interviewed

Title

Telephone

DAVID TYLER

Plant Adm.

313-891-4800

Inspector(s)

Agency/Title

Telephone

EAYE Dade

MORR/Hazardous
Waste Division

313-459-9180

Installation Activity (mark only one box)

Inspection Form(s) -

☒ Treatment/Storage/Disposal per 40 CFR §265.1 and/or Generation and/or Transportation

A

☐ Treatment/Storage/Disposal (No Generation or Transportation)

A

☐ Generation and Transportation

B, C

☐ Generation Only

B

☐ Transportation Only

C

INSPECTION FORM A

Section A: SCOPE OF INSPECTION.

1. Interim status standards for treatment storage or disposal of HAZARDOUS WASTES SUBJECT TO 40 CFR 265.1. Complete Inspection Form A sections B, C, D, E, and G.
2. Place an "X" in the box(es) corresponding to the facility's treatment, storage and disposal processes, and generation and/or transportation activity (if any). Complete only the applicable sections and appendixes.

<u>Permit application process(es) (EPA Form 3510-3)</u>		<u>Inspection Form A section(s)</u>
S01	<input checked="" type="checkbox"/> storage in containers	I
S02	<input type="checkbox"/> storage in tanks	J
T01	<input type="checkbox"/> treatment in tanks	J
S04	<input type="checkbox"/> storage in surface impoundment	K,F
T02	<input type="checkbox"/> treatment in surface impoundment	K,F
D83	<input type="checkbox"/> disposal in surface impoundment	K,F
S03	<input type="checkbox"/> storage in waste pile	L
D81	<input type="checkbox"/> disposal by land application	M,F
D80	<input type="checkbox"/> disposal in landfill	N,F
T03	<input type="checkbox"/> treatment by incineration	O/P
T04	<input type="checkbox"/> treatment in devices other than tanks, surface impoundments, or incinerators	Q

Other activities

GENERATOR	<input checked="" type="checkbox"/>	APPENDIX	GN
TRANSPORTER	<input type="checkbox"/>	APPENDIX	TR

3. Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application.
4. Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.

Section B: GENERAL FACILITY STANDARDS: (Part 265 Subpart B)

YES NO NI* Remarks

1. Has the Regional Administrator been notified regarding: 265.12

a. Receipt of hazardous waste from a foreign source?

— — —

N.A.

b. Facility expansion?

— — —

N.A.

c. Change of owner or operator?

— — —

N.A.

2. General Waste Analysis: 265.13

a. Has the owner or operator obtained a detailed chemical and physical analysis of the waste?

✓ — —

b. Does the owner or operator have a detailed waste analysis plan on file at the facility?

— ✓ —

c. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?

— ✓ —

3. Security - Do security measures include: (if applicable) 265.14

a. 24-Hour surveillance?
or

— — ✓

b. i. Artificial or natural barrier around facility?
and

— — ✓

ii. Controlled entry?

— — ✓

c. Danger sign(s) at entrance?

✓ — —

At Storage area.

4. Owner or operator inspections: 265.15

a. Does the owner or operator inspect the facility for malfunctions, deterioration, operator errors, and discharges of hazardous waste that may affect human health or the environment?

✓ — —

*Not Inspected

	YES	NO	NI	Remarks
b. Does the owner or operator have an inspection schedule at the facility?	<input checked="" type="checkbox"/>			indicated visual inspection not recorded
c. If so, does the schedule address the inspection of the following items:				
i. monitoring equipment?				
ii. safety and emergency equipment?				
iii. security devices?				
iv. operating and structural equipment (i.e. dikes, pumps, etc.)?				
v. type of problems to be looked for during the inspection (e.g. leaky fitting, defective pump, etc.)?				
vi. inspection frequency (based upon the possible deterioration rate of the equipment)?				
d. Are areas subject to spills inspected daily when in use?	<input checked="" type="checkbox"/>			
e. Does the owner or operator maintain an inspection log or summary of owner or operator inspections?		<input checked="" type="checkbox"/>		
f. Does the inspection log contain the following information:				
i. the date and time of the inspection?				
ii. the name of the inspector?				
iii. a notation of the observations made?				
iv. the date and nature of any repairs or remedial actions?				
5. Do personnel training records include: 265.16				
a. Job titles?	<input checked="" type="checkbox"/>			NO personnel training conducted yet
b. Job descriptions?	<input checked="" type="checkbox"/>			

	YES	NO	NI	Remarks
c. Description of training?	—	—	—	—
d. Records of training?	—	—	—	—
e. Did facility personnel receive the required training by 5-19-81?	—	—	—	—
f. Do new personnel receive required training within six months?	—	—	—	—
g. Do personnel training records indicate that personnel have taken part in an annual review of initial training?	—	—	—	—
6. If required, are the following special requirements for ignitable, reactive, or incompatible wastes addressed? 265.17				
a. Special handling?	—	—	—	NO ignitable, reactive
b. No smoking signs?	—	—	—	waste
c. Separation and protection from ignition sources?	—	—	—	—

Section C: PREPAREDNESS AND PREVENTION: (Part 265 Subpart C)

1. Maintenance and Operation
of Facility: 265.31

YES NO NI Remarks

Is there any evidence of fire,
explosion, or release of
hazardous waste or hazardous
waste constituent?

___ ☒ ___

2. If required, does the facility
have the following equipment: 265.32

a. Internal communications or
alarm systems?

☒ ___

b. Telephone or 2-way radios
at the scene of operations?

☒ ___

c. Portable fire extinguishers,
fire control, spill control
equipment and decontamination
equipment?

☒ ___

Indicate the volume of water and/or foam available for fire control:

3. Testing and Maintenance of
Emergency Equipment: 265.33

a. Has the owner or operator
established testing and
maintenance procedures
for emergency equipment?

☒ ___

b. Is emergency equipment
maintained in operable
condition?

☒ ___

4. Has owner or operator provided
immediate access to internal
alarms? (if needed) 265.34

☒ ___

5. Is there adequate aisle space
for unobstructed movement?

☒ ___

6. Has the owner or operator attempted
to make arrangements with local
authorities in case of an emergency
at the facility?

☒ ___

*Emergency
response Team only*

Section D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES: (Part 265 Subpart D)

YES NO NI Remarks

1. Does the Contingency Plan contain the following information: 265.52
 - a. The actions facility personnel must take to comply with §265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Counter-measures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable.)
 - b. Arrangements agreed by local police departments, fire departments hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to §265.37?
 - c. Names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?
 - d. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?
 - e. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes?)
2. Are copies of the Contingency Plan available at the site and local emergency organizations? 265.53

✓			HAS not developed Contingency plan yet.

YES NO NI Remarks

3. Emergency Coordinator 265.55

- a. Is the facility Emergency Coordinator identified?
- b. Is coordinator familiar with all aspects of site operation and emergency procedures?
- c. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?

4. Emergency Procedures 265.56

If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 265.56?

*no emergency
 occurred yet.*

Section E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING: (Part 265 Subpart E)

YES NO NI Remarks

**** 1. Use of Manifest System 265.71**

a. Does the facility follow the procedures listed in §265.71 for processing each manifest? (Particularly sending a copy of the signed manifest back to the generator within 30 days after delivery.)

____ _ ☒ _____

b. Are records of past shipments retained for 3 years?

____ _ ☒ _____

**** 2. Does the owner or operator meet requirements regarding manifest discrepancies? 265.72**

____ _ ☒ _____

**** Not applicable to owners or operators of on-site facilities that do not receive any waste from off-site sources.**

3. Operating Record 265.73

a. Does the owner or operator maintain an operating record as required in 265.73?

____ _ ☒ _____

b. Does the operating record contain the following information:

i. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in 40 CFR Part 265 Appendix I?

____ _ _____

ii. The location and quantity of each hazardous waste within the facility? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)

____ _ ☒ _____

*****iii. A map or diagram of each cell or disposal area**

***** only applies to disposal facilities**

	YES	NO	NI	Remarks
showing the location and quantity of each hazardous waste? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)				
iv. Records and results of all waste analyses, trial tests, monitoring data, and operator inspections?				
v. Reports detailing all incidents that required implementation of the Contingency Plan?				
vi. All closure and post closure costs as applicable?				
4. Availability of Records 265.74				
Are all facility records required under 40 CFR Part 265 available for inspection?				those records which were available
5. *Unmanifested Waste Reports 265.76				
a. Has the facility accepted any hazardous waste from an off-site generator subject to 40 CFR 262.20 without a manifest or or shipping paper?				
b. If "a" is yes, provide the identity of the source of the waste and a description of the quantity, type, and date received for each unmanifested hazardous waste shipment.				

** Not applicable to owners or operators of on-site facilities that do not receive any hazardous from off-site sources.

	YES	NO	NI	Remarks
8. Has the owner or operator developed an <u>outline</u> of a comprehensive ground-water quality assesment program that is capable of determining: 265.93				
a. Whether hazardous waste or hazardous waste constituents have entered the groundwater?	—	—	—	—
b. The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater?	—	—	—	—
c. The concentration of hazardous waste or hazardous waste constituents in the groundwater?	—	—	—	—
*9. Has the owner or operator performed a statistical analysis of his ground-water monitoring data as required in 265.93(b)?	—	—	X	—
*10. Was there a statistically significant increase (or pH decrease) detected in any well?	—	—	X	—
a. If "yes," has the owner or operator responded in accordance with the procedures prescribed in 265.93 paragraphs c through f?	—	—	X	—
Skip to number 14				
11. Has the owner or operator prepared a written groundwater monitoring waiver demonstration for the facility?	—	—	—	—
a. Is the waiver demonstration maintained at the facility?	—	—	—	—
b. Has the waiver demonstration been certified by a qualified geologist or geotechnical engineer?	—	—	—	—

Note: Inspectors should request a copy of the waiver document.

c. Skip questions 12, 13, and 14.

*These requirements do not take effect until the first 6 months after November 19, 1982. The latest date for compliance with these requirements is May 19, 1983.

Section G - CLOSURE AND POST CLOSURE (Part 265 Subpart G)

	YES	NO	NI	Remarks
1. Closure 265.112				
a. Is the facility closure plan available for inspection?	—	✓	—	<i>No closure plan.</i>
b. Does the plan identify:				
i. maximum extent unclosed during facility life?	—	✓	—	
ii. maximum hazardous waste inventory?	—	✓	—	
iv. estimated year of closure?	—	✓	—	
v. schedule of closure activities?	—	✓	—	
c. Has closure begun?	—	✓	—	
*2. Post-Closure 265.118				
a. Is the post-closure plan available for inspection?	—	—	—	<i>NA.</i>
b. Does this plan contain:				
i. description of groundwater monitoring activities and frequencies?	—	—	—	
ii. description of maintenance activities and frequencies for				
AA. integrity of cap, final cover, or containment structures, where applicable	—	—	—	
BB. facility monitoring equipment	—	—	—	
iii. name, address, and phone number of person or office to contact during post-closure care period?	—	—	—	
c. Has the post-closure period begun?	—	—	—	
d. Is the written post-closure cost estimate available? 265.144	—	—	—	

Applies only to disposal facilities.

Section I - USE AND MANGEMENT OF CONTAINERS (Part 265, Subpart I)

	YES	NO	NI	Remarks
1. Are containers in good condition? 265.171	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Are containers compatible with waste in them? 265.172	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Are containers managed to prevent leaks? 265.173	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Are containers stored closed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Are containers inspected weekly for leaks and defects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Are ignitable and reactive wastes stored at least 15 meters (50 feet) from the facility property line? (Indicate if waste is ignitable or reactive). 265.176	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
7. Are incompatible wastes stored in separate containers? (If not, the provisions of 40 CFR 265.17(b) apply). 265.177	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Are containers of incompatible waste separated or protected from each other by physical barriers or sufficient distance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Appendix GN

Section A: Scope

1. Complete this Appendix if the owner or operator of a TSD facility also generates hazardous waste that is subsequently shipped off-site for treatment, storage, or disposal.

Section B: MANIFEST REQUIREMENTS (Part 262, Subpart B)

	YES	NO	NI	Remarks
(1) Does the operator have copies of the manifest available for review? 262.40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Examine manifests for shipments in past 6 months. Indicate approximate number of manifested shipments during that period. <u>2</u>				
(3) Do the manifest forms examined contain the following information: (If possible, make copies of, or record information from, manifest(s) that do not contain the critical elements). 262.21				
a. Manifest document number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Name, mailing address, telephone number, and EPA ID number of Generator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Name and EPA ID Number of Transporter(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. Name, address, and EPA ID Number Designated permitted facility and alternate facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. The total quantity of waste(s) and the type and number of containers loaded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. Required certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. Required signatures?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Reportable exceptions 262.42				
a. For manifests examined in (2) (except for shipments within the last 35 days), enter the number of manifests for which the generator has <u>NOT</u> received a signed copy from the designated facility within 35 days of the date of shipment. <u>0</u>				
b. For manifests indicated in (4a), enter the number for which the generator has submitted exception reports (40 CFR 262.42) to the Regional Administrator. _____				

Section C: PRE-TRANSPORT REQUIREMENTS (Part 262, Subpart C)

	YES	NO	NI	Remarks
1. Is waste packaged in accordance with DOT regulations? (Required prior to movement of hazardous waste off-site) 262.30	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are waste packages marked and labeled in accordance with DOT regulations concerning hazardous waste materials? (Required for movement of hazardous waste off-site) 262.31 262.32	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. If required, are placards available to transporters of hazardous waste? 262.33	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. On-site accumulation of generated hazardous wastes. A HWMF may accumulate hazardous waste it generates either (A) in its storage facility [265.1(b)] or (B) in accordance with 40 CFR 262.34 [see 265.1(c)(7)]. Option B restricts all accumulation to tanks and containers. If the installation elects option A, check this box <input type="checkbox"/> and skip to Section D. If the installation elects option B, complete the following observations: See 40 CFR 262.34 January 11, 1982 Revision				
a. Is each container clearly marked with the start of accumulation date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Have more than 90 days elapsed since the date inspected in (a)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Do wastes remain in accumulation tanks for more than 90 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Is each container and tank labeled or marked clearly with the words "Hazardous Waste"?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section D: - RECORDKEEPING AND REPORTING (Part 262, Subpart D)

	YES	NO	NI	Remarks
1. Are all test results and analyses needed for hazardous waste determinations retained for at least three years? 262.40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section E: - INTERNATIONAL SHIPMENTS (Part 262, Subpart E)

1. Has the installation imported or exported Hazardous Waste? 262.50	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(If answered Yes, complete the following as applicable.)				
a. Exporting Hazardous waste; has a generator:				



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

NOV 5 1985

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R.F. Sears
Plant Manager
Fitzsimons Manufacturing Company
3775 E. Outer Drive
Detroit, Michigan 48234

re: Consent Agreement and Final Order
Fitzsimons Manufacturing Company
Docket Number V-W-85-R-044

Dear Mr. Sears:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-85-R-044 signed by yourself.

A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William H. Miner", is written over a horizontal line.

William H. Miner, Chief
Hazardous Waste Enforcement kBranch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

RECEIVED

OCT 3 1985

IN THE MATTER OF:

FITZSIMONS MANUFACTURING COMPANY
3775 E. OUTER DRIVE
DETROIT, MICHIGAN 48234

MID 005 354 949

DOCKET NO.

CONSENT AGREEMENT
AND
FINAL ORDER

SWD - AIG
U.S. EPA, REGION V

A Complaint was filed pursuant to Section 3008(a)(1), 42 U.S.C. §6928, of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (RCRA), 42 U.S.C. §6901 et seq., and the Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is Fitzsimons Manufacturing Company.

The parties to this action, being desirous to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint (with Notice of Opportunity for Hearing) on this matter; and the Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6928.
2. Respondent owns and operates an existing hazardous waste management facility as defined by 40 CFR 260.10.

3. Respondent submitted a notification of hazardous waste activity pursuant to Section 3010 of the Resource Conservation Recovery Act (RCRA), 42 U.S.C. §6930, on July 16, 1981.
4. Respondent neither admits nor denies any other allegation in the Complaint.

ORDER

Based upon the foregoing stipulations the parties agree to the entry of the following Final Order in this matter.

- A. Respondent shall within 30 days of receipt of this Consent Agreement and Final Order, treat and store any hazardous waste at the facility in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR Part 265; and
- B. Respondent shall within 15 days of receipt of this Consent Agreement and Final Order (CAFO) provide U.S. EPA with a completed Part A application for a RCRA permit in accordance with 40 CFR Part 270 along with a signed copy of this CAFO.
- C. Respondent's Part A application, when received, shall be accepted as if timely filed.

Notwithstanding any other provision of this Order, an enforcement action could be brought pursuant to Section 7003 of RCRA or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the

facility presents an imminent and substantial endangerment to human health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of 40 CFR Part 265.

Agreed this First day of Oct, 1985.

[Signature]
Respondent

Rev. Mr.
Title

Agreed to this 1st day of November, 1985.

[Signature]
Basil G. Constantelos, Director
Waste Management Division
Complainant

It being agreed, it is so ORDERED this 1st day of November, 1985.

[Signature]
Valdas V. Adamkus
Regional Administrator

NOV 5 1985

P 139-372,016

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R.F. Sears
Plant Manager
Fitzsimons Manufacturing Company
3775 E. Outer Drive
Detroit, Michigan 48234

re: Consent Agreement and Final Order
Fitzsimons Manufacturing Company
Docket Number V-W-85-R-044

Dear Mr. Sears:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-85-R-044 signed by yourself.

A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief
Hazardous Waste Enforcement kBranch

Enclosure

bcc Regional Hearing Clerk
Secretary, HWEB, w/enclosure
B. Springer, w/enclosure
HQ- WH-527, w/enclosure
RCRA - MI Unit

W.H. Miner
10/5/85

5HE-12, HWEB jsharp

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

DATE: NOV 1 1985

SUBJECT: CAFO for Execution for Fitzsimons Manufacturing
Company Docket Number V-W-85-R-044

FROM: B.G. Constantelos, Director Robert B. Schaefer
Waste Management Division Regional Counsel

TO: Valdas V. Adamkus
Regional Administrator

Attached for your review and signature is a Consent Agreement and Final Order, the terms of which require Fitzsimons Manufacturing Company to comply with all the requirements contained in 40 CFR 265 to treat and store any hazardous waste at the facility within 30 days. Respondent shall also provide a completed Part A application to U.S. EPA within 15 days of CAFO.

We have reviewed the terms of the Order and recommend that you sign the Order on behalf of Region V. When execution of signatures is complete please return the signed CAFO to William H. Miner, Chief of the Hazardous Waste Enforcement Branch for proper distribution of signed copies.

Attachment

PR 10/28/85

JTM 10/28/85

*10/28
ML*

WHA 10/28/85

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. R.F. Sears
Plant Manager
Fitzsimons Manufacturing Company
3775 E. Outer Drive
Detroit, Michigan 48234

Re: Consent Agreement and Final Order
Fitzsimons Manufacturing Company
Detroit, Michigan
Docket Number V-W-85-R-044

Dear Mr. Sears:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by you for Fitzsimons Manufacturing Company Detroit, Michigan. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosure

cc: William K. Howenstein
Fitzsimons Manufacturing Company

Del Rector, Director ✓
Michigan Department of Natural Resources

Benedict Okwumabua ✓
MDNR - Hazardous Waste Division
South-East Michigan District Office
15500 Sheldon Road
Northville, Michigan 48167

bcc: Jon McPhee, w/enclosure ✓
Laura Lodisio, w/enclosure ✓
Beverly Thompson, w/original ✓
HWEB Secretary, w/enclosure ✓
B. Springer, w/enclosure
Cindy Byron, HQ-WH-527 ✓

BMINER/dmr

6-4667

10/21/85

RE 4/1/88

P 139 372 016

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to		R. F. SEARS Fitzsimons Mfg. Co.
Street and No.		3775 E. Outer Dr.
P.O., State and ZIP Code		Detroit MI 48234
Postage		\$ 39
Certified Fee		75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees		\$ 184
Postmark or Date		

5 HE-12 US EPA RCRA L. LODISIO



PS Form 3811, July 1983

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

R.F. Sears, Plant Mgr.
Fitzsimons Mfg. Co.
3775 E. Outer Dr.
Detroit, MI 48234

4. Type of Service:

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

P 139 372 016

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee

X *J. S. Hand*

6. Signature — Agent

X *DP*

7. Date of Delivery

11-8-85

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

RCRA INSPECTION REPORT

EPA Identification Number: M I D 0 0 5 3 5 4 9 4 9

Installation Name: FitzSimons Manufacturing Co.

Location Address: 3775 E. Outer Drive

City: Detroit

State: Michigan

Date of Inspection 10-28-85

Time of Inspection (from) 1³⁰ (to) 3⁰⁰

Person(s) Interviewed

Title

Telephone

DAVID TYLER

Plant Adm.

313-891-4800

Inspector(s)

Agency/Title

Telephone

EAYE Dade

MONR/Hazardous Waste Division

313-459-9180

Installation Activity (mark only one box)

Inspection Form(s) -

☒ Treatment/Storage/Disposal per 40 CFR §265.1 and/or Generation and/or Transportation

A

☐ Treatment/Storage/Disposal (No Generation or Transportation)

A

☐ Generation and Transportation

B,C

☐ Generation Only

B

☐ Transportation Only

C

INSPECTION FORM A

Section A: SCOPE OF INSPECTION.

1. Interim status standards for treatment storage or disposal of HAZARDOUS WASTES SUBJECT TO 40 CFR 265.1. Complete Inspection Form A sections B, C, D, E, and G.
2. Place an "X" in the box(es) corresponding to the facility's treatment, storage and disposal processes, and generation and/or transportation activity (if any). Complete only the applicable sections and appendixes.

<u>Permit application process(es) (EPA Form 3510-3)</u>		<u>Inspection Form A section(s)</u>
S01	<input checked="" type="checkbox"/> storage in containers	I
S02	<input type="checkbox"/> storage in tanks	J
T01	<input type="checkbox"/> treatment in tanks	J
S04	<input type="checkbox"/> storage in surface impoundment	K,F
T02	<input type="checkbox"/> treatment in surface impoundment	K,F
D83	<input type="checkbox"/> disposal in surface impoundment	K,F
S03	<input type="checkbox"/> storage in waste pile	L
D81	<input type="checkbox"/> disposal by land application	M,F
D80	<input type="checkbox"/> disposal in landfill	N,F
T03	<input type="checkbox"/> treatment by incineration	O/P
T04	<input type="checkbox"/> treatment in devices other than tanks, surface impoundments, or incinerators	Q

Other activities

GENERATOR	<input checked="" type="checkbox"/>	APPENDIX	GN
TRANSPORTER	<input type="checkbox"/>	APPENDIX	TR

3. Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application.
4. Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.

Section B: GENERAL FACILITY STANDARDS: (Part 265 Subpart B)

	YES	NO	NI*	Remarks
1. Has the Regional Administrator been notified regarding: 265.12				
a. Receipt of hazardous waste from a foreign source?	_____	_____	_____	<u>N.A.</u>
b. Facility expansion?	_____	_____	_____	<u>N.A.</u>
c. Change of owner or operator?	_____	_____	_____	<u>N.A.</u>
2. General Waste Analysis: 265.13				
a. Has the owner or operator obtained a detailed chemical and physical analysis of the waste?	<u>✓</u>	_____	_____	_____
b. Does the owner or operator have a detailed waste analysis plan on file at the facility?	_____	<u>✓</u>	_____	_____
c. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?	_____	<u>✓</u>	_____	_____
3. Security - Do security measures include: (if applicable) 265.14				
a. 24-Hour surveillance?	_____	_____	<u>✓</u>	_____
or				
b. i. Artificial or natural barrier around facility?	_____	_____	<u>✓</u>	_____
and				
ii. Controlled entry?	_____	_____	<u>✓</u>	_____
c. Danger sign(s) at entrance?	<u>✓</u>	_____	_____	<u>At Storage area.</u>
4. Owner or operator inspections: 265.15				
a. Does the owner or operator inspect the facility for malfunctions, deterioration, operator errors, and discharges of hazardous waste that may affect human health or the environment?	<u>✓</u>	_____	_____	_____

*Not Inspected

	YES	NO	NI	Remarks
b. Does the owner or operator have an inspection schedule at the facility?	<input checked="" type="checkbox"/>			indicated visual inspection not recorded
c. If so, does the schedule address the inspection of the following items:				
i. monitoring equipment?				
ii. safety and emergency equipment?				
iii. security devices?				
iv. operating and structural equipment (i.e. dikes, pumps, etc.)?				
v. type of problems to be looked for during the inspection (e.g. leaky fitting, defective pump, etc.)?				
vi. inspection frequency (based upon the possible deterioration rate of the equipment)?				
d. Are areas subject to spills inspected daily when in use?	<input checked="" type="checkbox"/>			
e. Does the owner or operator maintain an inspection log or summary of owner or operator inspections?		<input checked="" type="checkbox"/>		
f. Does the inspection log contain the following information:				
i. the date and time of the inspection?				
ii. the name of the inspector?				
iii. a notation of the observations made?				
iv. the date and nature of any repairs or remedial actions?				
5. Do personnel training records include: 265.16				
a. Job titles?	<input checked="" type="checkbox"/>			NO personnel training conducted yet
b. Job descriptions?	<input checked="" type="checkbox"/>			

	YES	NO	NI	Remarks
c. Description of training?	—	—	—	—
d. Records of training?	—	—	—	—
e. Did facility personnel receive the required training by 5-19-81?	—	—	—	—
f. Do new personnel receive required training within six months?	—	—	—	—
g. Do personnel training records indicate that personnel have taken part in an annual review of initial training?	—	—	—	—
6. If required, are the following special requirements for ignitable, reactive, or incompatible wastes addressed? 265.17				
a. Special handling?	—	—	—	NO ignitable, reactive waste
b. No smoking signs?	—	—	—	—
c. Separation and protection from ignition sources?	—	—	—	—

Section C: PREPAREDNESS AND PREVENTION: (Part 265 Subpart C)

1. Maintenance and Operation
of Facility: 265.31

Is there any evidence of fire,
explosion, or release of
hazardous waste or hazardous
waste constituent?

YES NO NI Remarks

___ ☒ ___

2. If required, does the facility
have the following equipment: 265.32

a. Internal communications or
alarm systems?

☒ ___

b. Telephone or 2-way radios
at the scene of operations?

☒ ___

c. Portable fire extinguishers,
fire control, spill control
equipment and decontamination
equipment?

☒ ___

Indicate the volume of water and/or foam available for fire control:

3. Testing and Maintenance of
Emergency Equipment: 265.33

a. Has the owner or operator
established testing and
maintenance procedures
for emergency equipment?

☒ ___

b. Is emergency equipment
maintained in operable
condition?

☒ ___

4. Has owner or operator provided
immediate access to internal
alarms? (if needed) 265.34

☒ ___

5. Is there adequate aisle space
for unobstructed movement?

☒ ___

6. Has the owner or operator attempted
to make arrangements with local
authorities in case of an emergency
at the facility?

☒ ___

*Emergency
response Team only*

Section D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES: (Part 265 Subpart D)

YES NO NI Remarks

1. Does the Contingency Plan contain the following information: 265.52			
a. The actions facility personnel must take to comply with §265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable.)	<input checked="" type="checkbox"/>		HAS not developed Contingency plan yet
b. Arrangements agreed by local police departments, fire departments hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to §265.37?	<input type="checkbox"/>		
c. Names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?	<input type="checkbox"/>		
d. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?	<input type="checkbox"/>		
e. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes?)	<input type="checkbox"/>		
2. Are copies of the Contingency Plan available at the site and local emergency organizations? 265.53	<input type="checkbox"/>		

	YES	NO	NI	Remarks
3. Emergency Coordinator 265.55				
a. Is the facility Emergency Coordinator identified?	—	—	—	—
b. Is coordinator familiar with all aspects of site operation and emergency procedures?	—	—	—	—
c. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?	—	—	—	—
4. Emergency Procedures 265.56				
If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 265.56?				no emergency occurred yet.

Section E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING: (Part 265 Subpart E)

	YES	NO	NI	Remarks
** 1. Use of Manifest System 265.71				
a. Does the facility follow the procedures listed in §265.71 for processing each manifest? (Particularly sending a copy of the signed manifest back to the generator within 30 days after delivery.)	—	—	✓	_____
b. Are records of past shipments retained for 3 years?	—	—	✓	_____
** 2. Does the owner or operator meet requirements regarding manifest discrepancies? 265.72	—	—	✓	_____
** Not applicable to owners or operators of on-site facilities that do not receive any waste from off-site sources.				
3. Operating Record 265.73				
a. Does the owner or operator maintain an operating record as required in 265.73?	—	✓	—	_____
b. Does the operating record contain the following information:	—	—	—	_____
i. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in 40 CFR Part 265 Appendix I?	—	—	—	_____
ii. The location and quantity of each hazardous waste within the facility? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)	—	—	—	_____
***iii. A map or diagram of each cell or disposal area	—	—	—	_____

*** only applies to disposal facilities

YES NO NI Remarks

showing the location and quantity of each hazardous waste? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)

iv. Records and results of all waste analyses, trial tests, monitoring data, and operator inspections?

v. Reports detailing all incidents that required implementation of the Contingency Plan?

vi. All closure and post closure costs as applicable?

4. Availability of Records 265.74

Are all facility records required under 40 CFR Part 265 available for inspection?

those records which were available.

**Unmanifested Waste Reports 265.76

a. Has the facility accepted any hazardous waste from an off-site generator subject to 40 CFR 262.20 without a manifest or shipping paper?

b. If "a" is yes, provide the identity of the source of the waste and a description of the quantity, type, and date received for each unmanifested hazardous waste shipment.

** Not applicable to owners or operators of on-site facilities that do not receive any hazardous from off-site sources.

	YES	NO	NI	Remarks
8. Has the owner or operator developed an <u>outline</u> of a comprehensive groundwater quality assesment program that is capable of determining: 265.93				
a. Whether hazardous waste or hazardous waste constituents have entered the groundwater?	_____	_____	_____	_____
b. The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater?	_____	_____	_____	_____
c. The concentration of hazardous waste or hazardous waste constituents in the groundwater?	_____	_____	_____	_____
*9. Has the owner or operator performed a statistical analysis of his groundwater monitoring data as required in 265.93(b)?	_____	_____	<u>X</u>	_____
*10. Was there a statistically significant increase (or pH decrease) detected in any well?	_____	_____	<u>X</u>	_____
a. If "yes," has the owner or operator responded in accordance with the procedures prescribed in 265.93 paragraphs c through f?	_____	_____	<u>X</u>	_____
Skip to number 14				
11. Has the owner or operator prepared a written groundwater monitoring waiver demonstration for the facility?	_____	_____	_____	_____
a. Is the waiver demonstration maintained at the facility?	_____	_____	_____	_____
b. Has the waiver demonstration been certified by a qualified geologist or geotechnical engineer?	_____	_____	_____	_____

Note: Inspectors should request a copy of the waiver document.

c. Skip questions 12, 13, and 14.

*These requirements do not take effect until the first 6 months after November 19, 1982. The latest date for compliance with these requirements is May 19, 1983.

Section - CLOSURE AND POST CLOSURE (Part 265 Subpart G)

YES NO NI Remarks

1. Closure 265.112

a. Is the facility closure plan available for inspection?

YES ☒ NO ☐ NI ☐

No closure plan.

b. Does the plan identify:

i. maximum extent unclosed during facility life?

YES ☐ NO ☒ NI ☐

ii. maximum hazardous waste inventory?

YES ☐ NO ☒ NI ☐

iv. estimated year of closure?

YES ☐ NO ☒ NI ☐

v. schedule of closure activities?

YES ☐ NO ☒ NI ☐

c. Has closure begun?

YES ☒ NO ☐ NI ☐

*2. Post-Closure 265.118

a. Is the post-closure plan available for inspection?

YES ☐ NO ☐ NI ☐

N.A.

b. Does this plan contain:

i. description of groundwater monitoring activities and frequencies?

YES ☐ NO ☐ NI ☐

ii. description of maintenance activities and frequencies for

AA. integrity of cap, final cover, or containment structures, where applicable

YES ☐ NO ☐ NI ☐

BB. facility monitoring equipment

iii. name, address, and phone number of person or office to contact during post-closure care period?

YES ☐ NO ☐ NI ☐

c. Has the post-closure period begun?

YES ☐ NO ☐ NI ☐

d. Is the written post-closure cost estimate available? 265.144

YES ☐ NO ☐ NI ☐

Applies only to disposal facilities.

Section I - USE AND MANGEMENT OF CONTAINERS (Part 265, Subpart I)

	YES	NO	NI	Remarks
1. Are containers in good condition? 265.171	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are containers compatible with waste in them? 265.172	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are containers managed to prevent leaks? 265.173	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Are containers stored closed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are containers inspected weekly for leaks and defects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Are ignitable and reactive wastes stored at least 15 meters (50 feet) from the facility property line? (Indicate if waste is ignitable or reactive). 265.176	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Are incompatible wastes stored in separate containers? (If not, the provisions of 40 CFR 265.17(b) apply). 265.177	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Are containers of incompatible waste separated or protected from each other by physical barriers or sufficient distance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix GN

Section A: Scope

1. Complete this Appendix if the owner or operator of a TSD facility also generates hazardous waste that is subsequently shipped off-site for treatment, storage, or disposal.

Section B: MANIFEST REQUIREMENTS (Part 262, Subpart B)

	YES	NO	NI	Remarks
(1) Does the operator have copies of the manifest available for review? 262.40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Examine manifests for shipments in past 6 months. Indicate approximate number of manifested shipments during that period. <u>2</u>				
(3) Do the manifest forms examined contain the following information: (If possible, make copies of, or record information from, manifest(s) that do not contain the critical elements). 262.21				
a. Manifest document number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Name, mailing address, telephone number, and EPA ID number of Generator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Name and EPA ID Number of Transporter(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. Name, address, and EPA ID Number Designated permitted facility and alternate facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. The total quantity of waste(s) and the type and number of containers loaded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. Required certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. Required signatures?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Reportable exceptions 262.42				
a. For manifests examined in (2) (except for shipments within the last 35 days), enter the number of manifests for which the generator has NOT received a signed copy from the designated facility within 35 days of the date of shipment. <u>0</u>				
b. For manifests indicated in (4a), enter the number for which the generator has submitted exception reports (40 CFR 262.42) to the Regional Administrator. _____				

Section C: PRE-TRANSPORT REQUIREMENTS (Part 262, Subpart C)

	YES	NO	NI	Remarks
Is waste packaged in accordance with DOT regulations? (Required prior to movement of hazardous waste off-site) 262.30	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are waste packages marked and labeled in accordance with DOT regulations concerning hazardous waste materials? (Required for movement of hazardous waste off-site) 262.31 262.32	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. If required, are placards available to transporters of hazardous waste? 262.33	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. On-site accumulation of generated hazardous wastes. A HWMF may accumulate hazardous waste it generates either (A) in its storage facility [265.1(b)] or (B) in accordance with 40 CFR 262.34 [see 265.1(c)(7)]. Option B restricts all accumulation to tanks and containers. If the installation elects option A, check this box <input type="checkbox"/> and skip to Section D. If the installation elects option B, complete the following observations: See 40 CFR 262.34 January 11, 1982 Revision				
a. Is each container clearly marked with the start of accumulation date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Have more than 90 days elapsed since the date inspected in (a)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Do wastes remain in accumulation tanks for more than 90 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Is each container and tank labeled or marked clearly with the words "Hazardous Waste"?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section D: - RECORDKEEPING AND REPORTING (Part 262, Subpart D)

	YES	NO	NI	Remarks
1. Are all test results and analyses needed for hazardous waste determinations retained for at least three years? 262.40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section E: - INTERNATIONAL SHIPMENTS (Part 262, Subpart E)

1. Has the installation imported or exported Hazardous Waste? 262.50	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(If answered Yes, complete the following as applicable.)				
a. Exporting Hazardous waste; has a generator:				

FINAL CAFO FOR EXECUTION

DATE:

10/18/85

Please find attached copies of the Final CAFO for:

Please execute ASAP and Route through for signature.

LAURA LODISIO

LLH 10/18/85

Act. Unit Chief

OLW 10/18/85

Bill Muno

WEM 10/18/85

Bill Miner

WEM 10/21/85

JTM 10/22/85 ✓

B. Magel and/or
Roger Field

Rcf 10/23/85

Mary Gade

MG 10/28

Robert Schaefer

RS 10/28 (for signature)

Bill Constantelos

[Signature] (for signature)

Valdas Adamkus

[Signature]

AFTER SIGNATURE PLEASE RETURN TO DENISE REAPE, HAZARDOUS WASTE ENFORCEMENT
BRANCH FOR MAILING AND DISTRIBUTION. THANK YOU

ROUTING AND TRANSMITTAL SLIP

Date

10/18/85

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. Ben Okunmabua (cont.)

2.

3.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
State	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

let the facility to verify that they are doing so. - No need to do this immediately but would appreciate if you could get to it 1st or early 2nd quarter.

If you have any questions/comments....
pls. call.

Thanks!

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Lama Jodisio

Phone No.

(312) 886-7090

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ GPO : 1983 O - 381-529 (317)

ROUTING AND TRANSMITTAL SLIP

Date

10/18/85

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. Ben Okunmabua

2. MDNR- Hazardous Waste Division

3. 15500 Sheldon Rd.

4. Northville, MI 48167

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Attached is a copy of the signed CAFO and Part A submitted by Fitzsimons Mte. Co. in response to the order. As they just fell under RCRA regulation w/ the new recycle amendments, this CAFO allows them interim status as long as they operate in compliance w/ all I.S. standards. We would like to request, therefore, that you schedule a TSD inspection. DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions (cont.)

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Lama Jodisio

Phone No.

(312) 886-7090

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ GPO : 1983 O - 381-529 (317)

SEP 19 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

V-W- 85 R-44

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co.
17401 E. Ten Mile Road
East Detroit, Michigan 48021

Re: Compliance Order and Consent Agreement
Fitzsimons Manufacturing Co.
MID 005 354 949

Dear Mr. Howenstein:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by your company of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq., based on information in our files about your facility at 3775 E. Outer Drive, Detroit, Michigan. The Compliance Order states the reasons for such a determination. In essence, the facility does not have a permit and has not achieved interim status under Section 3005 of RCRA because a timely permit application was not filed with the U.S. Environmental Protection Agency. This Compliance Order is issued pursuant to Section 3006 of RCRA, 42 U.S.C. §6928.

Accompanying the Compliance Order is a Notice of Opportunity for Hearing. Should you desire to contest the Compliance Order, a written request for a hearing is required to be filed with the Regional Hearing Clerk within 30 days from receipt of this Compliance Order. A copy of your hearing request should be sent to Jonathan T. McPhee, Office of Regional Counsel, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Also enclosed is a Consent Agreement and Final Order. The Agency believes that it will be in the public interest to allow your facility to continue to operate subject to the Order's conditions even though your facility has failed to achieve interim status under Section 3005(e) of RCRA. Should you agree to this settlement, please sign it and return it to the person named below.

The proposed settlement in this administrative action will allow you to continue to operate your facility subject to the conditions of the Final Order. This Order is intended to extend the period of time for submission of the Part A permit application for your facility under 40 CFR 270.10(e)(3) in order to allow the facility to achieve interim status.

If you have any questions or desire to request an informal conference, for the purpose of settlement, please contact Laura Lodisio at (312) 886-7090 or at U.S. EPA, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosure

CFR

cc: Del Rector, Chief ✓
MDNR - Hazardous Waste Division
P.O. Box 30028
Lansing, Michigan 48909

Benedict Okwumabua ✓
MDNR - Hazardous Waste Division
South-East Michigan District Office
15500 Sheldon Road
Northville, Michigan 48167

bcc: Ms. C. Byron, Office of Waste Programs Enforcement, WH-527 ✓
Jonathan T. McPhee, Assistant Regional Counsel, 5C-16 ✓
Beverly Thompson, Regional Hearing Clerk, 5MF-14 ✓
Denise Reape, Hazardous Waste Enforcement Branch, 5HE-12 ✓

5HE-12:LLODISIO:bp:6-7990:8-30-85

U.S. MAIL
PENALTY FOR PRIVATE USE, \$300

5HE-12

L. LODISIO
(Name of Sender)

United States
Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
ORDER INSTRUCTIONS
Place stamps, address, and ZIP Code in the space provided. Do not place stamps, address, or ZIP Code in the space provided for return receipt. Return Receipt Requested. Write number.

INT. DATE	TYPIST	RECEIVED	DATE	TIME	SEC. CHIEF	HWB CHIEF	WMD DIR
9/10/85	B. P.	<i>[Signature]</i>	9/11/85	2:15	WEY	WEY	WEY
				9-13-85	9-13-85	9-13-85	9-13-85

[Handwritten signature]
9/18



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HE-12

SEP 19 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Co.
17401 E. Ten Mile Road
East Detroit, Michigan 48021

Re: Compliance Order and Consent Agreement
Fitzsimons Manufacturing Co.
MID 005 354 949

Dear Mr. Howenstein:

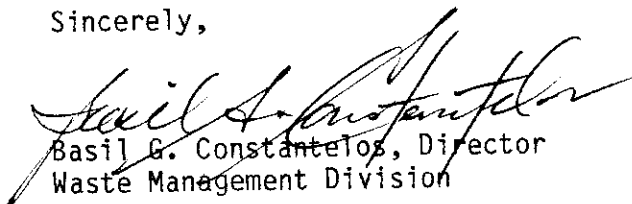
Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by your company of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq., based on information in our files about your facility at 3775 E. Outer Drive, Detroit, Michigan. The Compliance Order states the reasons for such a determination. In essence, the facility does not have a permit and has not achieved interim status under Section 3005 of RCRA because a timely permit application was not filed with the U.S. Environmental Protection Agency. This Compliance Order is issued pursuant to Section 3008 of RCRA, 42 U.S.C. §6928.

Accompanying the Compliance Order is a Notice of Opportunity for Hearing. Should you desire to contest the Compliance Order, a written request for a hearing is required to be filed with the Regional Hearing Clerk within 30 days from receipt of this Compliance Order. A copy of your hearing request should be sent to Jonathan T. McPhee, Office of Regional Counsel, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Also enclosed is a Consent Agreement and Final Order. The Agency believes that it will be in the public interest to allow your facility to continue to operate subject to the Order's conditions even though your facility has failed to achieve interim status under Section 3005(e) of RCRA. Should you agree to this settlement, please sign it and return it to the person named below.

The proposed settlement in this administrative action will allow you to continue to operate your facility subject to the conditions of the Final Order. This Order is intended to extend the period of time for submission of the Part A permit application for your facility under 40 CFR 270.10(e)(3) in order to allow the facility to achieve interim status.

If you have any questions or desire to request an informal conference, for the purpose of settlement, please contact Laura Lodisio at (312) 886-7090 or at U.S. EPA, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604.

Sincerely,



Basil G. Constantelos, Director
Waste Management Division

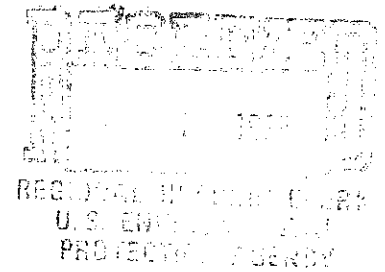
Enclosure

cc: Del Rector, Chief
MDNR - Hazardous Waste Division
P.O. Box 30028
Lansing, Michigan 48909

Benedict Okwumabua
MDNR - Hazardous Waste Division
South-East Michigan District Office
15500 Sheldon Road
Northville, Michigan 48167

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V



IN THE MATTER OF:

FITZSIMONS MANUFACTURING COMPANY
3775 EAST OUTER DRIVE
DETROIT, MICHIGAN 48234

MID 005 354 949

DOCKET NO.

V-W- 85 R-44

COMPLAINT

COMPLAINT

This Complaint is filed pursuant to Section 3008(a)(1), 42 U.S.C. §6928, of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (RCRA, or the Act), 42 U.S.C. §6901 et seq., and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is the Fitzsimons Manufacturing Company.

Based upon information available to U.S. EPA it has been initially determined that the Respondent is in violation of certain requirements of RCRA. Specifically, Respondent has been determined to be in violation of 42 U.S.C. §6925 in that Respondent owns and operates an existing hazardous waste management facility as defined by 40 CFR 260.10 which does not have a permit or interim status. Respondent has not achieved interim status because it failed to submit a timely permit application pursuant to 42 U.S.C. §6925(b) and 40 CFR 270, as required by 42 U.S.C. §6925(e) for interim status.

FINDINGS

1. Respondent owns and operates a facility located at 3775 E. Outer Drive, Detroit Michigan. Respondent is a Michigan corporation whose Registered Agent is William K. Howenstein, 17401 E. Ten Mile Road, East Detroit, Michigan 48021.
2. Section 3005 of Subtitle C of the Act provides in part, that:

"the Administrator (of the Environmental Protection Agency) shall promulgate regulations requiring each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subtitle to have a permit issued pursuant to this section. (After the effective date of the regulations) the treatment, storage, or disposal of any such hazardous waste is prohibited except in accordance with such a permit."
Material in parentheses added.
3. Regulations requiring each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste to have a permit issued pursuant to Section 3005 were promulgated by the Administrator on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The effective date of these regulations is November 19, 1980. Treatment, storage, or disposal of any hazardous waste is prohibited except in accordance with a permit.
4. Section 3005(e) of RCRA, 42 U.S.C. §6925(e), provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition of his/her permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of the Act concerning notification of hazardous waste activity have been complied with, and (3) application for a permit has been made. This statutory authority to operate is known

as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

5. On January 4, 1985, the U.S. EPA promulgated new rules which amended its existing definition of solid waste used in implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). These rules are codified at 40 CFR Parts 260, 261 and 266. Most of these rules clarify and change which materials are regulated as Solid and Hazardous Waste when they are recycled.
6. All existing hazardous waste management facilities which treat, store or dispose of hazardous waste covered by the January 4, 1985, rules and which qualify to manage these wastes under interim status under Section 3005(e) of RCRA will not be allowed to manage the wastes covered by the January 4, 1985, rules after July 5, 1985, unless: (1) they file a notification with U.S. EPA or an authorized State by April 4, 1985, and (2) they submit a Part A permit application with U.S. EPA or an authorized State by July 5, 1985, as required at 40 CFR 270.10.
7. On July 16, 1981, Respondent submitted to U.S. EPA a Notification of Hazardous Waste Activity pursuant to Section 3010 of RCRA.
8. Under the Solid and Hazardous Waste Act Amendments of 1985, a facility is eligible for interim status if they were either in existence on November 19, 1980, or were in existence on the effective date of any statutory or regulatory change under RCRA that requires them to obtain a Section 3005 permit.
9. On or after July 5, 1985, Fitzsimons Manufacturing Company has stored hazardous waste which is E.P. Toxic based on lead concentrations

(U.S. EPA hazardous waste no. D008) which have been identified or listed as hazardous waste under Section 3001 of the Act, 40 CFR Part 261, without a permit and without having achieved interim status, in violation of Section 3005(a) of the Act. Interim status was not achieved because Fitzsimons Manufacturing Company failed to submit a Part A of the application for a permit by July 5, 1985, as required by Section 3005 of the Act.

10. Notwithstanding the violation of the requirements of Section 3005(a) of the Act by Fitzsimons Manufacturing Company, the continued operation of the facility is determined to be in the public interest:

- (a) For a limited period of time until a final decision on its permit application has been made by U.S. EPA; and
- (b) If in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR Part 265, and
- (c) If in complete compliance with the conditions set forth in this Complaint.

ORDER AND CONDITIONS
FOR CONTINUED OPERATION

Respondent having been initially determined to be in violation of 42 U.S.C. §6925, the following Compliance Order pursuant to 42 U.S.C. §6928(a)(1) is entered:

- A. Respondent shall, within 30 days of receipt of this Order, cease all treatment, storage or disposal of any hazardous waste at the facility except such treatment and storage as shall be in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR Part 265; and
- B. Respondent shall, within 15 days of receipt of this Order, provide

U.S. EPA with a completed Part A application for a RCRA permit in accordance with 40 CFR Part 270 along with a signed copy of the accompanying Consent Agreement and Final Order.

- C. Respondent's Part A application, when received shall be accepted as if timely filed.

Notwithstanding any other provision of this Order, an enforcement action could be brought pursuant to Section 7003 of RCRA or other statutory authority should U.S. EPA find that handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of 40 CFR Part 265.

NOTICE OF OPPORTUNITY FOR HEARING

The above named Respondent is hereby notified that the above Order may become final or a default Order entered upon motion unless said person has requested in writing a hearing no later than 30 days from the date this Order is served. You have the right to request a hearing, to contest any material factual allegation set forth in the Complaint or the appropriateness of any proposed penalty and any compliance schedule. In the event that you wish to request a hearing, and to avoid having the Compliance Order become final without further proceedings, you must file a written answer to this Complaint with Ms. Beverly Thompson, Regional Hearing Clerk, U.S. EPA Region V, Planning and Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of your receipt of this notice. A copy of this answer and any subsequent document filed in this action should be sent to Office of

Regional Counsel, at the same address to the attention of Jonathan T. McPhee, Assistant Regional Counsel. Respondent's answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has any knowledge. Said answer should contain (1) a definite statement of the facts, circumstances or arguments which constitute the grounds of defense, and (2) a concise statement of the facts which you intend to place at issue in the hearing. The denial of any material fact or the raising of any affirmative defense shall be considered as a request for a hearing.

A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 CFR Part 22, 45 Federal Register 24367 April 4, 1980; as amended by 45 Federal Register 79898, December 2, 1980) accompanies this Complaint. These regulations are applicable to all proceedings to this administrative action including the filing of any answer.

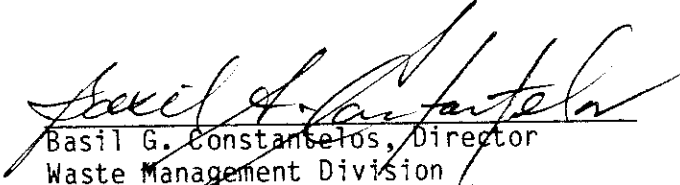
SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally, with U.S. EPA concerning (1) whether the alleged violations in fact occurred as set forth above or (2) the appropriateness of the compliance schedule or penalty, if any.

You may request an informal settlement conference at any time by contacting this office. However, any such request will not affect the 30 day limit for responding with an answer to this Complaint and requesting a formal hearing on the violations alleged therein. U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences.

Request for an informal conference should be made to Laura Lodisio, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604. Her telephone number is (312) 886-7090.

Signed this _____ day of _____, 1985.

A handwritten signature in dark ink, appearing to read "Basil G. Constantelos", is written over a horizontal line.

Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified return receipt requested, postage prepaid, at Chicago, Illinois in envelopes addressed to:

Mr. William K. Howenstein
Registered Agent for
Fitzsimons Manufacturing Company
3775 E. Outer Drive
Detroit, Michigan 48234

I have further caused the original of the Complaint and this Certification of Service to be served in the office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V at 230 South Dearborn Street, Chicago, Illinois 60604 on the date below.

These are said persons' last known address to the subscriber.

Dated this 19th day of September, 1985.

Jan M. Sharp, Clerk
Hazardous Waste Enforcement Branch
U.S. EPA, Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:

FITZSIMONS MANUFACTURING COMPANY
3775 E. OUTER DRIVE
DETROIT, MICHIGAN 48234
MID 005 354 949

)
)
)
)
)

DOCKET NO.

CONSENT AGREEMENT
AND
FINAL ORDER

A Complaint was filed pursuant to Section 3008(a)(1), 42 U.S.C. §6928, of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (RCRA), 42 U.S.C. §6901 et seq., and the Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is Fitzsimons Manufacturing Company.

The parties to this action, being desirous to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint (with Notice of Opportunity for Hearing) on this matter; and the Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6928.
2. Respondent owns and operates an existing hazardous waste management facility as defined by 40 CFR 260.10.

3. Respondent submitted a notification of hazardous waste activity pursuant to Section 3010 of the Resource Conservation Recovery Act (RCRA), 42 U.S.C. §6930, on July 16, 1981.
4. Respondent neither admits nor denies any other allegation in the Complaint.

ORDER

Based upon the foregoing stipulations the parties agree to the entry of the following Final Order in this matter.

- A. Respondent shall within 30 days of receipt of this Consent Agreement and Final Order, treat and store any hazardous waste at the facility in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR Part 265; and
- B. Respondent shall within 15 days of receipt of this Consent Agreement and Final Order (CAFO) provide U.S. EPA with a completed Part A application for a RCRA permit in accordance with 40 CFR Part 270 along with a signed copy of this CAFO.
- C. Respondent's Part A application, when received, shall be accepted as if timely filed.

Notwithstanding any other provision of this Order, an enforcement action could be brought pursuant to Section 7003 of RCRA or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the

facility presents an imminent and substantial endangerment to human health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of 40 CFR Part 265.

Agreed this _____ day of _____, 1985.

Respondent

Title

Agreed to this _____ day of _____, 1985.

Basil G. Constantelos, Director
Waste Management Division
Complainant

It being agreed, it is so ORDERED this _____ day of _____, 1985.

Valdas V. Adamkus
Regional Administrator

RCRA ENFORCEMENT ACTION SIGN-OFF

9-5-85
Lodisio / McPhee

PART I. BACKGROUND

FACILITY NAME FITZSIMONS MFG. CO.
 FACILITY LOCATION 3775 E. OUTER DRIVE, DETROIT, MICH.
 RCRA ID NUMBER MID 005 354 949
 NATURE OF VIOLATION Failure to submit Part A. (Co. recently has come under RCRA reg. w/ Jan. 4, 1985 amendments).
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

WATER _____
 AIR _____
 OTHER _____

PART II. RECOMMENDATION Compliance Order & Consent Agreement
- accept Part A as if timely filed.

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	<u>LPL</u>	<u>09/05/85</u>	(✓)	()
CHIEF, RCRA ENF. UNIT	<u>RK</u>	<u>09/15/85</u>	(✓)	()
CHIEF, RCRA ENF. SECTION	<u>WEM</u>	<u>9-6-85</u>	(✓)	()
ASSISTANT REGIONAL COUNSEL	<u>JTM</u>	<u>9/9/85</u>	(✓)	()
<i>Received 9/9/85 JTM</i>				
NAME & DATE OF STATE CONTACT NOTIFIED	<u>Ben Okunmabura 9/10/85</u>			

PART IV. APPROVAL

1. PREPARER	<u>LPL</u>	<u>09/10/85</u>	(✓)	()
2. CHIEF, RCRA ENF. UNIT	<u>RK</u>	<u>9/11/85</u>	(✓)	()
3. CHIEF, RCRA ENF. SECTION	<u>WEM</u>	<u>9-13-85</u>	(✓)	()
4. CHIEF, H.W. ENF. BRANCH, Acting	<u>WEM</u>	<u>9-13-85</u>	(✓)	()
5. ASSISTANT REGIONAL COUNSEL	<u>JTM</u>	<u>9/13/85</u>	(✓)	()
6. CHIEF, S.W. & E.R. SECTION	<u>E.M.</u>	<u>9/13/85</u>	(✓)	()
7. CHIEF, SOLID WASTE & EMER. RESPONSE BRANCH	<u>mb</u>	<u>9/16/85</u>	(X)	()
8. REGIONAL COUNSEL			()	()
9. DIRECTOR, WASTE MGT. DIV.	<u>JPL</u>	<u>9/16</u>	(✓)	()

NOTE: Attach sign-off sheet to yellow copy of the enforcement action.

ROUTING AND TRANSMITTAL SLIP

Date

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Mr. David Tyler		
2. Fitzsimons Mfg. Co.		
3. 3775 E. Outer Drive		
4. Detroit, MI 48234		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
<input checked="" type="checkbox"/> As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Attached is a copy of the notification which was filed w/ U.S.EPA in 1981. No other permit has been filed.

(Above info. requested per telephone via Maria Huntton; U.S.EPA, Region II.)

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Laura Lodisio	Phone No. (312) 886-7090

5041-102

☆ GPO : 1983 O - 381-529 (317)

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)	
(Record of item checked above)			
TO: George J. Hamper Environmental Engineer, SWB	FROM: David Tyler Fitzimons Mfg Detroit MI	DATE: 8-8-85	TIME: AM
SUBJECT: Storage of hazardous waste prior to recycling		Phone # 313-891-4800	
SUMMARY OF COMMUNICATION			
<p>His company generates lead dross. This is a waste which is generated by skimming off the spent material from the top of a plating tank. Lead is reclaimed from the dross by heating the dross in an industrial furnace and decanting molten lead into molds to produce ingots. The remaining waste is drummed and shipped off-site as a hazardous waste.</p> <p>In 1980, the plating tank and the industrial furnace were both located at their facility in Detroit. But since that time, the plating operation has been moved to another plant in Michigan. Back in 1980, there was no need to submit Part A because they recycled waste on-site within 90 days. But today, the transportation to the Detroit plant, and (over</p>			
CONCLUSIONS, ACTION TAKEN OR REQUIRED			
<p>HWEB should consider writing a compliance order to give the company interim status.</p>			
INFORMATION COPIES See page 575			

The storage at the Detroit plant prior to recycling (2 or 3 months) is subject to regulation, under the January 4, 1985 regulations which became effective on July 5, 1985, in Michigan. Since they did not notify us that they are a TSD, and did not submit Part A, they do not have interim status.

The company is currently thinking about shutting down its Detroit plant entirely, and contracting with someone else for reclamation of the dross. Therefore if we were to write an order giving the facility interim status, but requiring submittal of Part B in six months, the facility would probably submit a closure plan when the Part B comes due.

I should mention that Mr. Tyler called to ask about an air pollution control permit for the industrial furnace. I referred him to the Wayne County Air Pollution Control Division.

I looked up the facility on HWDMS and it shows the facility to be a generator only, EPA ID # MID 005 354 949, located at 3775 E. Outer Drive, Detroit, MI.

IN DATE

Statement Date: DEC 31 1984

DUNS: 00-535-4949
 FITZSIMONS MANUFACTURING
 COMPANY (INC)
 (SUBSIDIARY OF COPPER &
 BRASS SALES INC, EAST
 DETROIT, MI)

3775 E OUTER DR
 AND BRANCH(ES) OR DIVISION(S)
 DETROIT MI 48234
 TEL: 313 891-4800

DATE PRINTED
 JUL 25 1986

MFG WELDED STEEL
 TUBING COPPER &
 BRASS TUBING &
 AUTOMOTIVE
 STAMPINGS

SIC NOS.
 33 17 33 51 34 65

SUMMARY
 RATING --

STARTED 1983
 PAYMENTS SEE BELOW
 SALES \$30,000,000
 WORTH F \$3,628,098
 EMPLOYS 500(185 HERE)
 HISTORY CLEAR
 CONDITION UNBALANCED
 TREND UP

CHIEF EXECUTIVE: DAVID K FITZSIMONS, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
07/86	Fpt-Slow 30	50000	-0-	-0-		
06/86	Fpt	20000	2500	-0-		
	Fpt	10000	250	-0-	N30	1 Mo
	Fpt	2500	-0-	-0-	N30	1 Mo
	Fpt	1000	100	-0-	N30	4-5 Mos
	Fpt	750	100	-0-	N30	1 Mo
	Fpt	100	-0-	-0-	N30	1 Mo
	Fpt	50	50	-0-	N30	2-3 Mos
	Fpt-Slow 15	1000	250	-0-	N15	1 Mo
	Fpt-Slow 15	250	100	250	1 10 N30	1 Mo
	Fpt-Slow 30	100000+	100000	100	1 10 N30	2-3 Mos
	(Q12)	100	-0-	-0-		1 Mo
05/86	Fpt	10000	10000	-0-		
	Fpt	7500	-0-	-0-	N30	1 Mo
	Fpt	1000	1000	-0-	N15	4-5 Mos
	Fpt	1000	-0-	-0-	N15	1 Mo
	Fpt	750	250	-0-	N30	6-12 Mos
	Fpt	750	-0-	-0-	N30	
	Fpt	750	500	-0-	N30	6-12 Mos
	Fpt	500	500	-0-		1 Mo
	Fpt	250	100	-0-	N15	1 Mo
	Fpt-Slow 30	2500	-0-	-0-	1/2 10 N30	1 Mo
04/86	Disc	50	50	-0-		6-12 Mos
	Fpt	2500	-0-	-0-		1 Mo
	Fpt	2500	-0-	-0-		6-12 Mos
	Fpt	1000	750	50		6-12 Mos
	Fpt	750	750	-0-		1 Mo
	Fpt	500	-0-	-0-		1 Mo
	Fpt	100	50	-0-		2-3 Mos
	Fpt	50	-0-	-0-	N30	1 Mo
	Disc-Slow 120	500	250	-0-	1 10 N30	6-12 Mos
						1 Mo

	Ppt-Slow 30 (033)	500	-0-	-0-	1/2 10 N30 Sales COD	6-12 Mos
03,	Ppt	50	-0-	-0-		
02/86	Ppt	500	500	-0-		2-3 Mos
	Slow 30	1000	-0-	-0-		1 Mo
01/86	Disc	500	250	50		6-12 Mos
	Ppt	250	250	-0-	N30	1 Mo
	Ppt	100				
	Ppt	50	-0-	-0-	N30	6-12 Mos
	Ppt-Slow 30	50000	250	-0-	N30	1 Mo
12/85	Disc-Ppt	50	50	-0-		1 Mo
11/85	Ppt	50	50	-0-	N30	1 Mo
10/85	Ppt	50	-0-	-0-	N30	6-12 Mos
	(045)	250				6-12 Mos
09/85	Ppt	100	-0-	-0-	2 10 N30	6-12 Mos
08/85	Disc	250	-0-	-0-		6-12 Mos
	Ppt	500				
	Ppt	250	-0-	-0-	N30	6-12 Mos
	Ppt	100	-0-	-0-	N30	6-12 Mos
07/85	Ppt	2500	2500	-0-	N30	1 Mo
	Ppt	750	-0-	-0-	N30	6-12 Mos
	Ppt	750	-0-	-0-	N30	6-12 Mos
	Ppt	250	-0-	-0-		6-12 Mos
	Ppt	50	-0-	-0-		6-12 Mos

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

FINANCE

* A FINANCIAL SPREAD SHEET OF COMPARATIVES, RATIOS, AND INDUSTRY AVERAGES
 * MAY BE AVAILABLE. ORDER A DUNS FINANCIAL PROFILE VIA YOUR DUNSPRINT
 * TERMINAL OR LOCAL D&B OFFICE

*
*
*

10/28/85 Fiscal statement dated DEC 31 1984:

Cash	\$	1,265,968	Accts Pay	\$	757,943
Accts Rec		2,529,033	Notes Pay		5,003,944
Inventory		1,824,174	Accruals		1,628,339
Misc Rec		1,258,939			
Prepaid		188,350			

Curr Assets	7,066,464	Curr Liabs	7,390,226
Fixed Assets	3,867,491	COMMON STOCK	100
CSV of Life Ins.	84,369	ADDIT. PD.-IN CAP	674,230
		RETAINED EARNINGS	2,953,768

Total Assets	11,018,324	Total	11,018,324
--------------	------------	-------	------------

From JAN 01 1984 to DEC 31 1984 net income \$1,562,695. Retained earnings at start \$2,953,768. Net income \$1,562,685; retained earnings at end \$2,953,768.

Statement received by mail OCT 28 1985. Extent of audit, if any, not indicated.

--0--

Fixed assets shown net less \$5,144,049 depreciation. No contingent liabilities indicated. Notes payable of \$5,003,944 are

short-term working capital loans from the parent.

On OCT 21 1985 Wayne Wright, sec-treas of parent, referred to the above figures.

He submitted the following interim figures dated SEP 30 1985:

Cash	\$	485,514	Accts Pay	\$	967,450
Accts Rec		3,343,597	Notes Pay		5,000,000
Mdse		1,961,760	Other Curr Liab		1,870,617
Fixed Assets		4,070,672			

Sales for year ended Dec 31 1984 were \$30,000,000. Profits for 9 months ended Sep 30 1985 were \$1,137,766.

He stated that sales for the 9 months ended Sep 30 1985 were up 5% compared to the same period last year. Operations for the period were conducted at a profit.

He stated that occasional reports of slow payments reflect disputes or misunderstandings.

Operations produced good profits in 1984 and dividends equaled earnings for 1984 so net worth remained steady as compared to a year earlier.

An unbalanced condition is indicated with working capital at a deficit and with debt heavy in relation to equity. However, principal debt is working capital loans owing to the financially strong parent.

PUBLIC FILINGS

UCC FILINGS

10/28/85

Financing Statement #B446287 filed 06-23-83 with Secretary, State of MI. Debtor: Fitzsimons Manufacturing Company (Inc), Detroit, MI. Secured Party: The Budd Leasing Corp, Troy, MI. Collateral: leased vehicle(s) and products.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING

07/85

Account(s) averages high 6 figures. Loans granted to low 7 figures. Now owing nothing. Overall relations are satisfactory.

HISTORY

10/28/85

WILLIAM K HOWENSTEIN, CHIEF
MICHAEL FITZSIMONS, SEC-TREAS
DIRECTOR(S): THE OFFICER(S)

DAVID K FITZSIMONS, PRES-CEO

Incorporated Michigan Feb 25 1983. Authorized capital consists of 50,000 shares common stock, \$1 par value.

Charter amended Apr 1 1983 changing business name from Fitzcorp Acquiring Inc to that now used.

Business started 1924 by the Fitzsimons family. Present control succeeded 1983. 100% of capital stock is owned by the parent.

This business was started in 1924 by members of the Fitzsimons family. Effective Apr 1 1983 the subject was acquired by a related concern, Copper & Brass Sales Inc, East Detroit, MI, which is also controlled by the Fitzsimons family. The acquisition was made through merger with a subsidiary of Copper & Brass Sales Inc known as Fitzcorp Acquiring Inc. Following merger into the subject, the old Fitzsimons Manufacturing Company (Inc) was dissolved.

WILLIAM K HOWENSTEIN born 1933 married. 1955-65 employed by the subject business in a sales capacity. Active with the parent since 1965 and is currently Chairman of the parent.

DAVID K FITZSIMONS born 1938 married. Employed subject company since 1961; president 1968 to date.

MICHAEL FITZSIMONS born 1945 married. Received masters of business administration degree from Columbia School of Business 1972. Active with the parent since 1972 and is currently president of the parent.

RELATED CONCERN: The parent has one other subsidiary:

COMET PRODUCTION INC, Dayton, OH, acquired 1985. It operates as an advertising agency. No intercompany relations.

OPERATION

10/28/85

Subsidiary of Copper & Brass Sales Inc, East Detroit, MI started 1931 which operates as a wholesaler of metals. Parent company owns 100% of capital stock. Parent company has one other subsidiaries. Intercompany relations: Confined to merchandise transactions on net 30 day terms.

At Dec 31 1984 the parent had a tangible net worth of \$33,078,876 with a strong condition indicated.

Manufactures welded steel tubing from purchased materials (50%); also manufactures copper and brass tubing from purchased materials (25%); also manufactures metal stampings for automotive use (25%). Terms: Net 10th and 25th prox. Has 55 accounts. Sells to the auto appliance industries. Territory :Nationwide. Nonseasonal.

EMPLOYEES: 500 including officers. 185 employed here.

FACILITIES: Owns 165,000 sq. ft. in one story brick building in good condition. Premises neat.

LOCATION: Industrial section on well traveled street.

BRANCHES: The West Branch Tube division operates a plant at West Branch, MI, and the Big Rapids Tube division operates a plant at Big Rapids, MI. Activities at the branch plants same as at headquarters.

07-25(291 /467)

45103

006957724

013

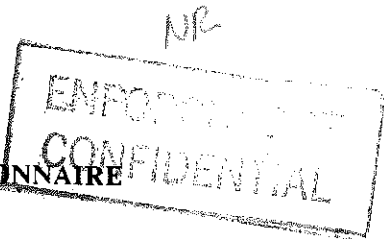
H

(SR BUS)

FULL DISPLAY COMPLETE

**D. Corrective
Action**

CORRECTIVE ACTION STABILIZATION QUESTIONNAIRE



Completed by: Mary Wojciechowski
 Date: June 4, 1992

RECEIVED
 WAD PCECD CENTER

Background Facility Information

Facility Name: Fitzsimons Manufacturing Company
 EPA Identification No.: MID 005 354 949
 Location (City, State): Detroit, Michigan
 Facility Priority Rank: Low

OCT 18 1993
 RELEASED
 DATE 11/18/00
 RIN #
 INITIALS

1. Is this checklist being completed for one solid waste management unit (SWMU), several SWMUs, or the entire facility? Explain.

Entire Facility
5 SWMUs

Status of Corrective Action Activities at the Facility

2. What is the current status of HSWA corrective action activities at the facility?

- ☐ No corrective action activities initiated (Go to 5)
- ☒ RCRA Facility Assessment (RFA) or equivalent completed
- ☐ RCRA Facility Investigation (RFI) underway
- ☐ RFI completed
- ☐ Corrective Measures Study (CMS) completed
- ☐ Corrective Measures Implementation (CMI) begun or completed
- ☐ Interim Measures begun or completed

3. If corrective action activities have been initiated, are they being carried out under a permit or an enforcement order?

- ☐ Operating permit
- ☐ Post-closure permit
- ☐ Enforcement order
- ☒ Other (Explain)

No corrective action has been initiation.

4. Have interim measures, if required or completed [see Question 2], been successful in preventing the further spread of contamination at the facility?

- ☐ Yes
- ☐ No
- ☐ Uncertain; still underway
- ☒ Not required

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

Fitzsimons Manufacturing Company

Facility Releases and Exposure Concerns

5. To what media have contaminant releases from the facility occurred or been suspected of occurring?

None

- ☐ Ground water
- ☐ Surface water
- ☐ Air
- ☐ Soils

6. Are contaminant releases migrating off-site?

- ☐ Yes; Indicate media, contaminant concentrations, and level of certainty.

Groundwater:

Surface water:

Air:

Soils:

- ☒ No
- ☐ Uncertain

- 7a. Are humans currently being exposed to contaminants released from the facility?

- ☐ Yes (Go to 8a)
- ☒ No
- ☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

- 7b. Is there a potential for human exposure to the contaminants released from the facility over the next 5 to 10 years?

- ☐ Yes
- ☒ No
- ☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

- 8a. Are environmental receptors currently being exposed to contaminants released from the facility?

- ☐ Yes (Go to 9)
- ☒ No
- ☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

- 8b. Is there a potential that environmental receptors could be exposed to the contaminants released from the facility over the next 5 to 10 years?

- ☐ Yes
- ☒ No
- ☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

Anticipated Final Corrective Measures

9. If already identified or planned, would final corrective measures be able to be implemented in time to adequately address any existing or short-term threat to human health and the environment?

☐ Yes
☒ No
☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

10. Could a stabilization initiative at this facility reduce the present or near-term (e.g., less than two years) risks to human health and the environment?

☐ Yes
☒ No
☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

11. If a stabilization activity were not begun, would the threat to human health and the environment significantly increase before final corrective measures could be implemented?

☐ Yes
☒ No
☐ Uncertain

Additional explanatory notes:

There is no history or suspicion of releases to environmental media at this facility.

Technical Ability to Implement Stabilization Activities

12. In what phase does the contaminant exist under ambient site conditions? Check all that apply.

☐ Solid
☐ Light non-aqueous phase liquids (LNAPLs)
☐ Dense non-aqueous phase liquids (DNAPLs)
☐ Dissolved in ground water or surface water
☐ Gaseous
☐ Other None

13. Which of the following major chemical groupings are of concern at the facility?

☐ Volatile organic compounds (VOCs) and/or semi-volatiles
☐ Polynuclear aromatics (PAHs)
☐ Pesticides
☐ Polychlorinated biphenyls (PCBs) and/or dioxins
☐ Other organics
☒ Inorganics and metals
☐ Explosives
☐ Other _____

Fitzsimons Manufacturing Company

14. Are appropriate stabilization technologies available to prevent the further spread of contamination, based on contaminant characteristics and the facility's environmental setting? [See Attachment A for a listing of potential stabilization technologies.]

☐ Yes; Indicate possible course of action.

☒ No; Indicate why stabilization technologies are not appropriate; then go to Question 18.

There is no history or suspicion of releases to environmental media at this facility.

15. Has the RFI, or another environmental investigation, provided the site characterization and waste release data needed to design and implement a stabilization activity?

☐ Yes
☐ No

If No, can these data be obtained faster than the data needed to implement the final corrective measures?

☐ Yes
☐ No

Timing and Other Procedural Issues Associated with Stabilization

16. Can stabilization activities be implemented more quickly than the final corrective measures?

☐ Yes
☐ No
☐ Uncertain

Additional explanatory notes:

17. Can stabilization activities be incorporated into the final corrective measures at some point in the future?

☐ Yes
☐ No
☐ Uncertain

Additional explanatory notes:

Conclusion

18. Is this facility an appropriate candidate for stabilization activities?

- () Yes
() No, not feasible
(X) No, not required
() Further investigation necessary

Explain final decision, using additional sheets if necessary.

There is no history or suspicion of releases to environmental media at this facility.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HR-12

October 30, 1991

Raymond Sears
Manufacturing Manager
FitzSimons Manufacturing Co.
3775 East Outer Drive
Detroit, Michigan 48234-2978

Re: Visual Site Inspection
FitzSimons Manufacturing
Co.
Detroit, MI
MID005354949

Dear Mr. Sears:

The United States Environmental Protection Agency (U.S. EPA) Region V will conduct a Preliminary Assessment including a Visual Site Inspection (PA/VSI) at the referenced facility. This inspection is conducted pursuant to the Resource Conservation and Recovery Act, as amended (RCRA) Section 3007 and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) Section 104(e). The referenced facility has generated, treated, stored, or disposed of hazardous waste subject to RCRA. The PA/VSI requires identification and systematic review of all solid waste streams at the facility. The objective of the PA/VSI is to determine whether or not releases of hazardous wastes or hazardous constituents have occurred or are occurring at the facility which may require further investigation. This analysis will also provide information to establish priorities for addressing any confirmed releases.

The visual site inspection of your facility is to verify the location of all solid waste management units (SWMUs) and areas of concern (AOCs) to make a cursory determination of their condition by visual observation. The definitions of SWMUs and AOCs are included in Attachment I. The VSI supplements and updates data gathered during a preliminary file review. During this site inspection, no samples will be taken. A sampling visit to ascertain if releases of hazardous waste or constituents have occurred may be required at a later date.

October 30, 1991
Mr. Raymond Sears
Page 2

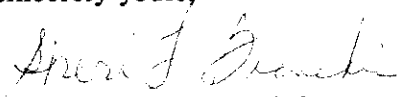
Assistance of some of your personnel may be required in reviewing solid waste flow(s) or previous disposal practices. The site inspection is to provide a technical understanding of the present and past waste flows and handling, treatment, storage, and disposal practices. Photographs of the facility are necessary to document the condition of the units at the facility and the waste management practices used.

The VSI has been scheduled for November 7, 1991. The inspection team will consist of personnel of PRC Environmental Management, Inc., a contractor for the U.S. EPA. Representatives of the Michigan Department of Natural Resources (MDNR) may also be present. Your cooperation in admitting and assisting them while on site is appreciated.

The U.S. EPA recommends that personnel who are familiar with present and past manufacturing and waste Management activities be available during the VSI. Access to any relevant maps, diagrams, hydrogeologic reports, environmental assessment reports, sampling data sheets, environmental permits (air, NPDES), manifests and/or correspondence is also necessary, as such information is needed to complete the PA/VSI.

If you have any questions, please contact me at (312) 886-4448 or Sheri Bianchin at (312) 886-4446. A copy of the Preliminary Assessment/Visual Site Inspection Report, excluding the conclusions and Executive Summary portion may be made available upon request.

Sincerely yours,


Kevin M. Pierard, Chief
OH/MN Technical Enforcement Section

Enclosure

cc: Ben Okwumabua, MDNR - Livonia
Ken Burda, MDNR - Lansing
Dennis Drake, MDNR - Lansing

PRC Environmental Management, Inc.
233 North Michigan Avenue
Suite 1621
Chicago, IL 60601
312-856-8700
Fax 312-938-0118

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JAN 03 1995



**PRELIMINARY ASSESSMENT/
VISUAL SITE INSPECTION**

**FITZSIMONS MANUFACTURING COMPANY
DETROIT, MICHIGAN
MID 005 354 949**

FINAL REPORT

Prepared for

**U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Waste Programs Enforcement
Washington, DC 20460**

Work Assignment No.	:	R05032
EPA Region	:	5
Site No.	:	MID 005 354 949
Date Prepared	:	February 26, 1992
Contract No.	:	68-W9-0006
PRC No.	:	209-R05032MI06
Prepared by	:	PRC Environmental Management, Inc. (Patricia A. Murphy)
Contractor Project Manager	:	Shin Ahn
Telephone No.	:	(312) 856-8700
EPA Work Assignment Manager	:	Kevin Pierard
Telephone No.	:	(312) 886-4448

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A	VISUAL SITE INSPECTION SUMMARY AND PHOTOGRAPHS
B	VISUAL SITE INSPECTION FIELD NOTES
C	MATERIAL SAFETY DATA SHEETS

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EXECUTIVE SUMMARY

PRC Environmental Management, Inc. (PRC) performed a preliminary assessment and visual site inspection (PA/VSI) to identify and assess the existence and likelihood of releases from solid waste management units (SWMU) and other areas of concern (AOC) at the FitzSimons Manufacturing Company (FitzSimons) facility in Detroit, Michigan. This report summarizes the results of the PA/VSI and evaluates the potential for releases of hazardous wastes or hazardous constituents from SWMUs and AOCs identified.

FitzSimons is a manufacturing facility engaged in stamping, cutting, and assembling gas tube necking for the automotive industry. The facility is located on a 140,000-square-foot site on the east side of the city of Detroit in Wayne County, Michigan (latitude 42°28'30" N; longitude 83°02'30" W). FitzSimons has been operating in its current location since the early 1940s.

In 1985 FitzSimons received interim status for its lead reclamation activities and its hazardous waste storage area. The facility used an industrial furnace to reclaim lead from a plating operation. Lead and zinc waste furnace slag (EPA Waste Code D008) were stored in a hazardous waste storage area. Spent sulfuric acid (D002) used as a cleaning solution was transferred directly from solvent lines to a tanker truck for transportation for off-site reclamation. FitzSimons submitted a closure plan for the industrial furnace and hazardous waste storage area in 1986, and a revised plan in 1987. Closure was completed for the furnace and storage area in the summer of 1988. In September 1990, the Michigan Department of Natural Resources (MDNR) released FitzSimons from its requirements to demonstrate financial assurance. Currently, there is no indication of hazardous waste activity at the FitzSimons facility. Wastes now generated include spent filters for water-based lubricating oils and wash water.

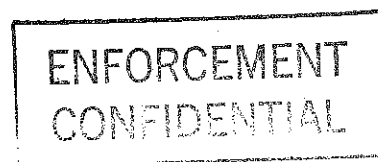
The PA/VSI identified the following five SWMUs:

Solid Waste Management Units

1. Former Hazardous Waste Storage Area
2. Former Industrial Furnace
3. Tanker Truck Loading Area
4. Floor Drains
5. Nonhazardous Waste Drum Storage Area

RELEASED
DATE 11/8/90
RIN #
INITIALS WV

No AOCs were identified at the FitzSimons facility.



The facility is located in a light industrial area with few residences near the property. No sensitive environments were identified within 2 miles of the site. The city of Detroit draws its drinking water exclusively from the Detroit River. No wells were identified within 3 miles of the facility. The surface water nearest to the facility is the Detroit River, approximately 10 miles away.

There have been no documented releases of hazardous wastes or hazardous constituents to the ground water, surface water, air or on-site soils. There is low potential for release to the ground water, surface water, air or on-site soils from the FitzSimons facility because the plating operation has been moved to another site. In addition, industrial furnace for lead reclamation and the hazardous waste storage area have been closed.

No further action is recommended for the FitzSimons facility, since the SWMUs at the facility have been closed under an approved closure plan, and there is no documentation or evidence that hazardous waste activities currently are conducted at the facility.

RELEASED
DATE 1/18/00
RIN #
INITIALS mv

ENFORCEMENT
CONFIDENTIAL

1.0 INTRODUCTION

PRC Environmental Management, Inc. (PRC), received Work Assignment No. R05032 from the U.S. Environmental Protection Agency (EPA) under Contract No. 68-W9-0006 (TES 9) to conduct preliminary assessments (PA) and visual site inspections (VSI) of hazardous waste treatment and storage facilities in Region 5.

As part of the EPA Region 5 Environmental Priorities Initiative, the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) programs are working together to identify and address RCRA facilities that have a high priority for corrective action using applicable RCRA and CERCLA authorities. The PA/VSI is the first step in the process of prioritizing facilities for corrective action. Through the PA/VSI process, enough information is obtained to characterize a facility's actual or potential release(s) to the environment from solid waste management units (SWMU) and areas of concern (AOC).

A SWMU is defined as any discernible unit at a RCRA facility in which solid wastes have been placed and from which hazardous constituents might migrate, regardless of whether the unit was intended to manage solid or hazardous waste.

The SWMU definition includes the following:

- RCRA-regulated units, such as container storage areas, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators, and underground injection wells.
- Closed and abandoned units.
- Recycling units, wastewater treatment units, and other units that EPA has generally exempted from standards applicable to hazardous waste management units.
- Areas contaminated by routine and systematic releases of wastes or hazardous constituents. Such areas might include a wood preservative drippage area, a loading-unloading area, or an area where solvent used to wash large parts has continually dripped onto soils.

An AOC is defined as any area where a release to the environment of hazardous waste or constituents has occurred or is suspected to have occurred on a nonroutine and nonsystematic

basis. This includes any area where such a release in the future is judged to be a strong possibility.

The purpose of the PA is as follows:

- Identify SWMUs and AOCs at the facility.
- Obtain information on the operational history of the facility.
- Obtain information on releases from any units at the facility.
- Identify data gaps and other informational needs to be filled during the VSI.

The PA generally includes review of all relevant documents and files located at state offices and at the EPA Region 5 office in Chicago.

The purpose of the VSI is as follows:

- Identify SWMUs and AOCs not discovered during the PA.
- Identify releases not discovered during the PA.
- Provide a specific description of the environmental setting.
- Provide information on release pathways and the potential for releases to each medium.
- Confirm information obtained during the PA regarding operations, SWMUs, AOCs, and releases.

The VSI includes interviewing appropriate facility staff, inspecting the entire facility to identify all SWMUs and AOCs, photographing all SWMUs, identifying evidence of releases, initially identifying potential sampling locations, and obtaining all information necessary to complete the PA/VSI report.

This report documents the results of a PA/VSI of the FitzSimons Manufacturing Company facility in Detroit, Michigan. The PA was completed on October 15, 1991. PRC gathered and reviewed information from the Michigan Department of Natural Resources (MDNR) and from EPA Region 5 RCRA files. The VSI was conducted on November 7, 1991. It included

interviews with four facility representatives and a walk-through inspection of the facility. Five SWMUs were identified at the facility.

The VSI is summarized and four inspection photographs are included in Attachment A. Field notes from the VSI are included in Attachment B. Material safety data sheets are included in Attachment C.

2.0 FACILITY DESCRIPTION

This section describes the facility's location, past and present operations (including waste management practices), waste generating processes, release history, regulatory history, environmental setting, and receptors.

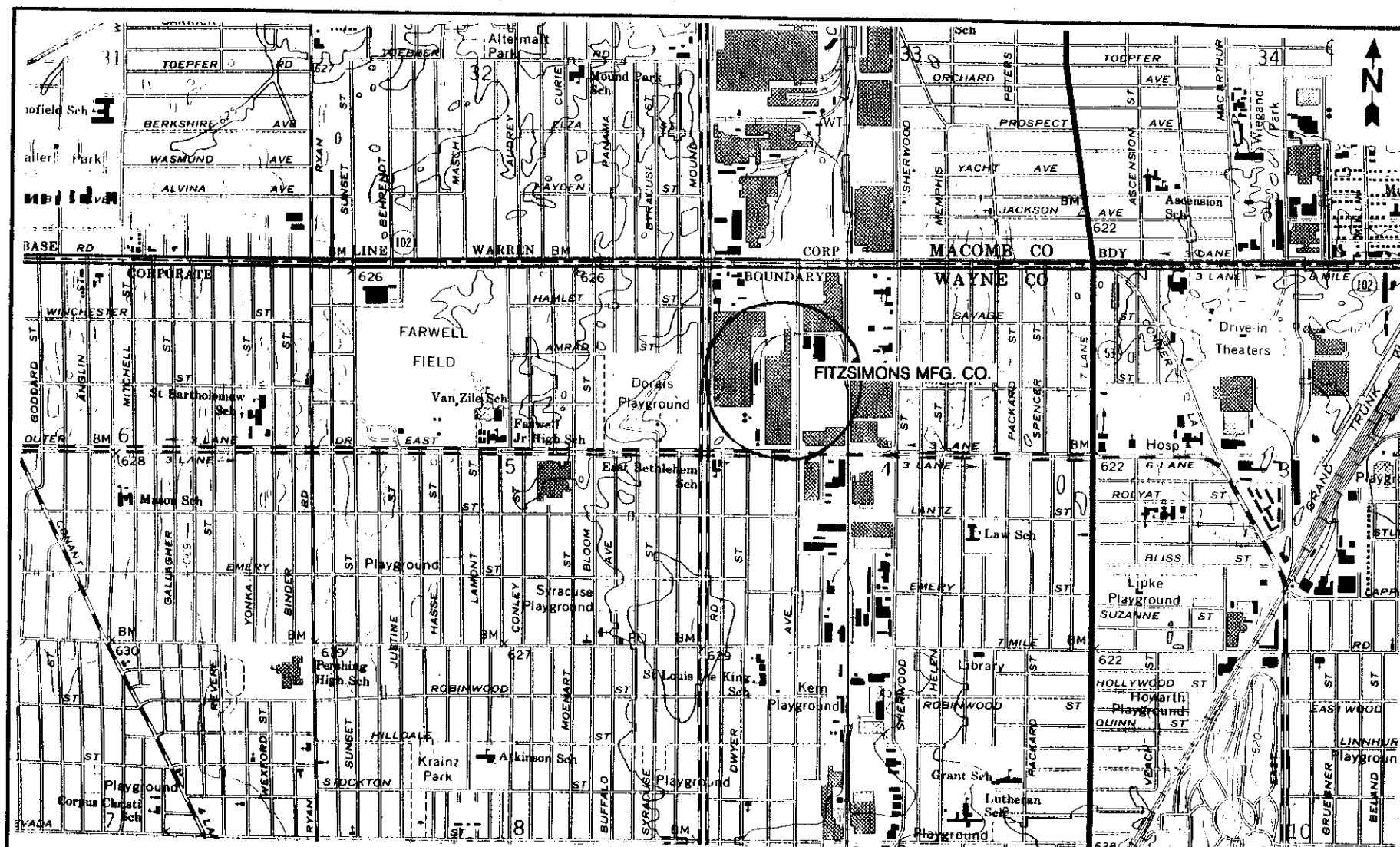
2.1 FACILITY LOCATION

FitzSimons is located in southeastern Michigan on the east side of Detroit. The facility is located in Wayne County (latitude 42°28'30" N; longitude 83°02'30" W)(FitzSimons, 1985). Figure 1 shows the location of the facility. The facility occupies approximately 140,000 square feet of property in a mixed industrial and residential area. FitzSimons is bordered on the north by 8 Mile Road, on the west by an industrial facility, on the south by Outer Drive, and on the east by Mt. Elliot Avenue.

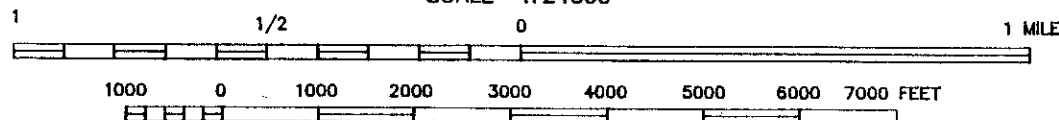
2.2 FACILITY OPERATIONS

FitzSimons is a manufacturing facility that specializes in producing gas filler neck tubing assemblies for the automotive industry. FitzSimons currently employs about 200 people on 2 shifts. The facility was built in the early 1940s. Buildings cover 134,736 square feet, approximately 120,000 square feet of which is used for manufacturing, with the remaining space used for offices (PRC, 1991). Figure 2 shows the layout of the facility. Table 1 lists the SWMU identified at FitzSimons and their current status.

Before 1985, FitzSimons operated a lead plating operation at the facility. Before the metals were plated they were cleaned using sulfuric acid. The spent sulfuric acid was transferred through lines directly to a tanker truck and reclaimed off site (PRC, 1991). Lead was recovered from the plating operation by skimming off spent material (lead-plating dross) from the plating tank and heating this lead dross in an industrial furnace (SWMU 2). The lead then was decanted from the furnace. The remaining lead and zinc material, or furnace slag, was solidified and placed in drums. These drums were transferred to a hazardous waste storage area (SWMU 1) and stored before shipment off site. In 1985, the plating operation was moved to another plant in Detroit, but the lead recovery operation remained at the FitzSimons plant until its closure in 1988 (EPA, 1985a; MDNR, 1989a).



SCALE 1:24000



SCALE: 1" = 2,000'

SOURCE: USGS, 1981

FITZSIMONS MANUFACTURING CO.
DETROIT, MICHIGAN

FIGURE 1
FACILITY LOCATION

EMC ENVIRONMENTAL MANAGEMENT, INC.

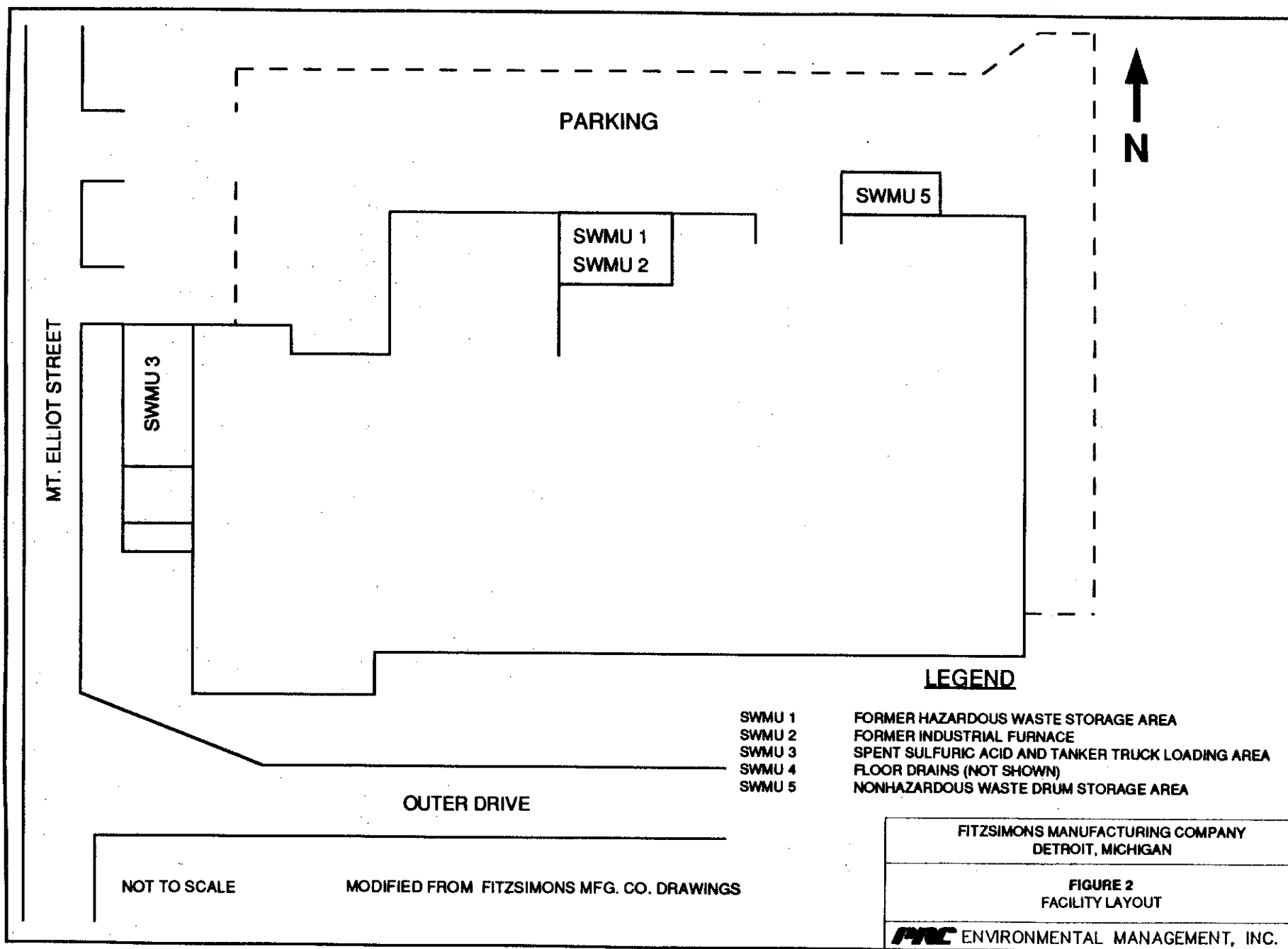


Table 1
Solid Waste Management Units (SWMU)

SWMU Number	SWMU Name	RCRA Hazardous Waste Management Unit*	Status
1	Former Hazardous Waste Storage Area	Yes	Closed in 1988
2	Former Industrial Furnace	No	Removed in 1987
3	Tanker Truck Loading Area	No	Removed in 1987
4	Floor Drains	No	Active
5	Nonhazardous Waste Drum Storage Area	No	Active

* A RCRA hazardous waste management unit is one that currently requires or formerly required the submittal of a RCRA Part A or Part B permit application.

Today, the primary production activity at FitzSimons is cutting, stamping and assembling gas filler neck tubing for gas tanks on automobiles. Water-based synthetic oils are used as lubricants for these operations. The facility has several production lines and produces different models of the tubing for five automobile companies. The gas neck tubing is placed in the tube spinning machines, water-based oil is sprayed on the tubing while it spins and the machine bends the tubing into the necessary shape. Trenches with grates located near the tube spinning machines collect the water-based oils and transfer it to an oil-cleaning machine.

The manufacturing process also includes brazing, soldering, and welding operations necessary for assembly of the tubing. Before any parts are welded, they go through a parts cleaning and rustproofing machine that cleans them with soapy water and a rust preventative liquid. The rust preventative called Advanced Technology Fluids (ATF) - 600 is composed mainly of surfactants. Attachment C contains a material safety data sheet (MSDS) for the ATF - 600. The wash water used in the parts cleaning and rustproofing machine is recycled through the machine until it is no longer usable. It is then discharged directly through floor drains into the Detroit combined sewer system and to a Publicly owned Treatment Works (POTW) (SWMU 4). Approximately 150 gallon/day of wash water is discharged to the sewer system. The facility representative indicated FitzSimons is not required to have a discharge permit.

FitzSimons has air cleaning systems that remove fumes from the welding and soldering work areas. FitzSimons uses Smog-Hog air cleaning systems, model SH-10. Each unit has a filter which traps particulates from the fumes as they are drawn through the Smog-Hog (PRC, 1991). Nonhazardous waste filters from the air cleaning systems are removed and replaced about once a week by a waste disposal company, Industrial Waste Products (PRC, 1991).

2.3 WASTE GENERATING PROCESSES

The generation and management of waste streams formerly and currently produced at FitzSimons are discussed below. Table 2 describes the solid waste generated at the facility, their source, and the units in which they are managed.

Wastes generated at the FitzSimmons facility include lead-plating dross, furnace slag, spent sulfuric acid, cutting oil, spent oil filters, and wash water. Lead-plating dross was generated from the plating operations. The dross consisted of floating material skimmed off the top of plating solutions and placed into the former industrial furnace (SWMU 2). Furnace slag

Table 2
Solid Wastes

<u>Waste/EPA Waste Code</u>	<u>Source</u>	<u>Primary Management Unit*</u>
Lead-plating dross	Lead plating	2
Furnace slag (D008)	Lead reclaiming	1
Spent sulfuric acid (D002)	Lead reclaiming	3
Cutting oil (nonhazardous)	Manufacturing	1
Spent Filters	Oil cleaning	5
Wash water	Parts cleaning and rustproofing	4

Note:

* Primary management unit refers to a SWMU that currently manages or formerly managed the waste.

(D008) was subsequently generated by reclamation of lead in the furnace. The furnace slag, containing lead and zinc, was solidified, placed into drums, and stored in SWMU 1, the former hazardous wastes storage area (EPA, 1985a).

Spent sulfuric acid (D002) was generated from the plating operations. The solution was transferred directly into tanker trucks at SWMU 3, tanker truck loading area. The tanker trucks transferred the waste off site for reclamation (PRC, 1991).

Cutting oil previously was used as a lubricant during manufacturing operations. The spent cutting oil (nonhazardous) collected in floor trenches and was subsequently pumped into drums and stored in SWMU 1 (PRC, 1991; Swanson, 1987).

Spent oil filters currently are generated from recycling water-based lubricating oil through an oil-cleaning machine. Spent filters are placed in drums and stored in SWMU 5, the nonhazardous waste drum storage area. These drums are periodically taken off site for disposal (PRC, 1991).

Waste wash water currently is generated by the use of the parts cleaning and rust proofing machine. The spent wash water is discharged directly into SWMU 4, floor drains. These floor drains lead to the Detroit combined sewer system and, subsequently, to the POTW (PRC, 1991).

2.4 RELEASE HISTORY

No documented releases of hazardous wastes or hazardous constituents from SWMUs or AOCs at the facility were identified during the PA/VSI.

2.5 REGULATORY HISTORY

FitzSimons notified EPA of hazardous waste activity in July 1981. FitzSimons indicted it was a generator of hazardous waste (FitzSimons, 1981). Based on information obtained by EPA, including a compliance inspection conducted by MDNR, FitzSimons became subject to RCRA permitting requirements in 1985 for on-site storage of hazardous waste in SWMU 1 (EPA, 1985a).

On September 19, 1985, EPA served FitzSimons a Compliance Order and Consent Agreement, notifying the company of its failure to obtain interim status (for SWMU 1) and

extending the period of time allowed for submission of a RCRA Part A application (EPA, 1985b). FitzSimons also was allowed to continue to operate the unit until the Part A application could be submitted. On October 1, 1985, FitzSimons submitted a Part A application and received interim status for the hazardous waste storage area (SWMU) (FitzSimons, 1985a; FitzSimons, 1985b). On October 28, 1985, MDNR conducted a RCRA inspection and notified FitzSimons of the need to develop a closure plan for the unit. FitzSimons requested and was granted an extension in order to complete the closure plan (FitzSimons, 1986). The closure plan was first submitted on February 17, 1986; the final version was submitted on October 28, 1987 (Swanson, 1987). After an inspection of the hazardous waste storage area on May 12, 1988 by MDNR, the closure plan was approved (MDNR, 1988).

On February 28, 1989, MDNR conducted an inspection of the FitzSimons property and found that the closure of the hazardous waste storage area (SWMU 1) had been conducted in late summer 1988 (MDNR, 1989a). FitzSimons failed to notify MDNR before commencing closure and failed to submit closure certification (MDNR, 1989b). FitzSimons submitted documentation certifying closure of the hazardous waste storage area (SWMU 1). MDNR released FitzSimons from requirements to demonstrate financial assurance on September 25, 1990 (MDNR, 1990). There is no documentation of further hazardous waste activity at FitzSimons since the closure of the hazardous waste storage area.

2.6 ENVIRONMENTAL SETTING

This section describes the climate, flood plain and surface water, geology and soils, and ground water in the vicinity of the FitzSimons facility.

2.6.1 Climate

The climate in Detroit and the surrounding area is characterized by evenly distributed precipitation throughout the year. The average annual precipitation is about 30 to 33 inches. Average monthly temperatures range from a high of 72°F in July to a low of 22°F in January. Weather in the vicinity is controlled by location with respect to major storm tracks and proximity to, and influence of, the Great Lakes. Typical winter storms bring periods of rain or snow. Summer storms usually pass to the north and often are associated with brief showers and sometimes thunder showers with high winds. The Great Lakes act as a mitigant to most climatic extremes (Erickson, 1990).

Due to the topography of the area, the moist air from the northwest often dries before it reaches the Detroit area. For example, summer showers coming from the northwest often dissipate before reaching Detroit. During the winter, northwesterly winds bring snow to all of Michigan but rarely in accumulations of measurable depth in the Detroit area. Southeasterly winds generally contain more moisture. In any season, the area's heaviest precipitation is brought on by southeasterly winds. One-year, 24-hour rainfall for this area is about 2 inches (National Oceanic and Atmospheric Administration, 1980).

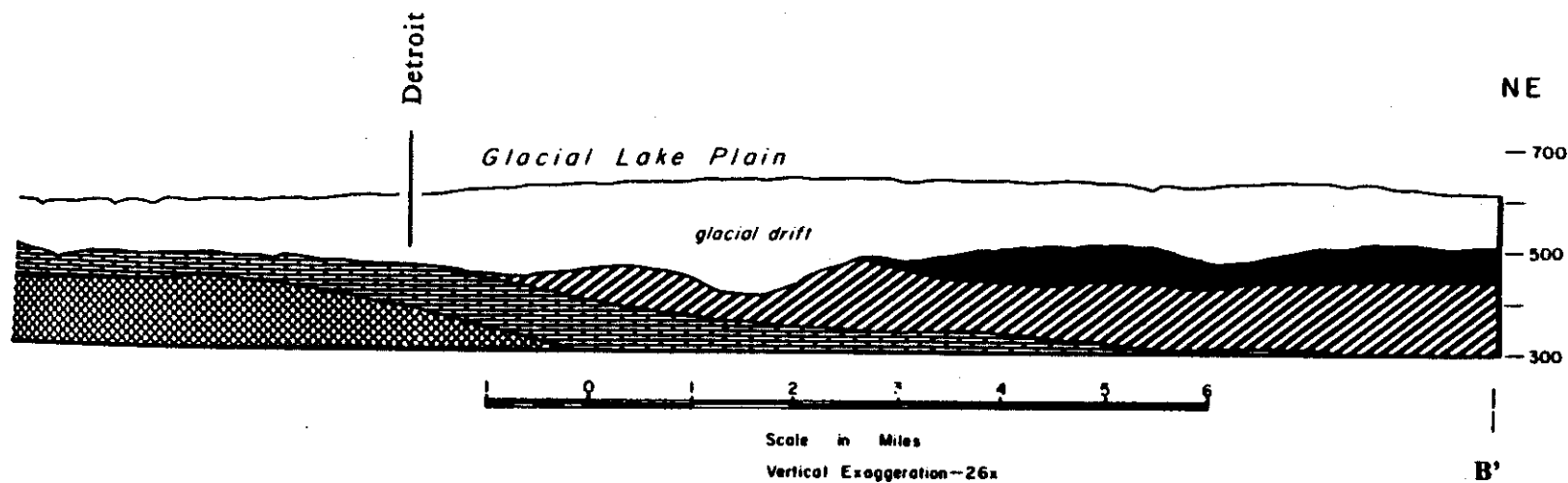
2.6.2 Flood Plain and Surface Water

There are no wetlands or surface water within four miles of the facility. The Detroit River is approximately 10 miles southeast of the facility. The facility is not located in a 100-year flood plain (United States Geological Survey [USGS], 1974). All surface waters collect on the paved areas around the facility and flow into storm water drains. The water drains to the city sewer system and goes to a POTW before being discharged to the Detroit River.

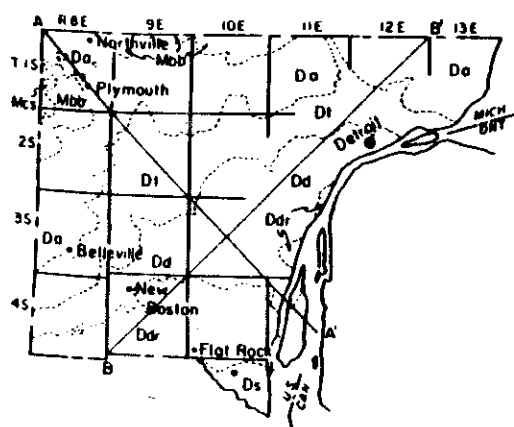
2.6.3 Geology and Soils

Figure 3 illustrates a generalized geologic cross section of the Detroit area. The surface geology of the Detroit area is characterized by a mosaic of glacial and organic deposits. Present land forms are the result of Pleistocene epoch glaciation and subsequent deposition and erosion. The present land forms consist primarily of materials deposited during the Cary substage of the Wisconsin Glacial stage; however, the hardpan encountered just above the bedrock in the downtown Detroit area occupies part of an ancient glacial lake bed, gently sloping to nearly flat terrain that has been incised by currently flowing rivers and streams. Glacial deposits over the bedrock range in thickness from 120 to 200 feet in this area. These deposits consist mainly of glacial till of varying thickness and a thick sequence of lacustrine clays and silts. Figure 4 illustrates the distribution of permeable surface deposits in southeast Michigan.

The bedrock of Detroit consists of approximately 830 feet of consolidated and cemented Middle Devonian limestone from the Paleozoic era. This structural feature underlies all of Michigan and portions of neighboring states. Within this structural basin, the sedimentary rocks dip at an angle of less than 1 degree toward the center of the basin, which is located beneath the central portion of the southern peninsula of Michigan (Mozola, 1969).



LEGEND



	Mc Ms	COLDWATER SHALE SUNBURY SHALE
	Wd Wb	BEREA SANDSTONE BEDFORD SHALE
	Da	ANTRIM SHALE
	Dt	TRAVERSE GROUP
	Dd	DUNDEE LIMESTONE
	Ddr	DETROIT RIVER DOLOMITE
	Ds	SYLVANIA SANDSTONE
	Sbr	BASS ISLANDS GROUP

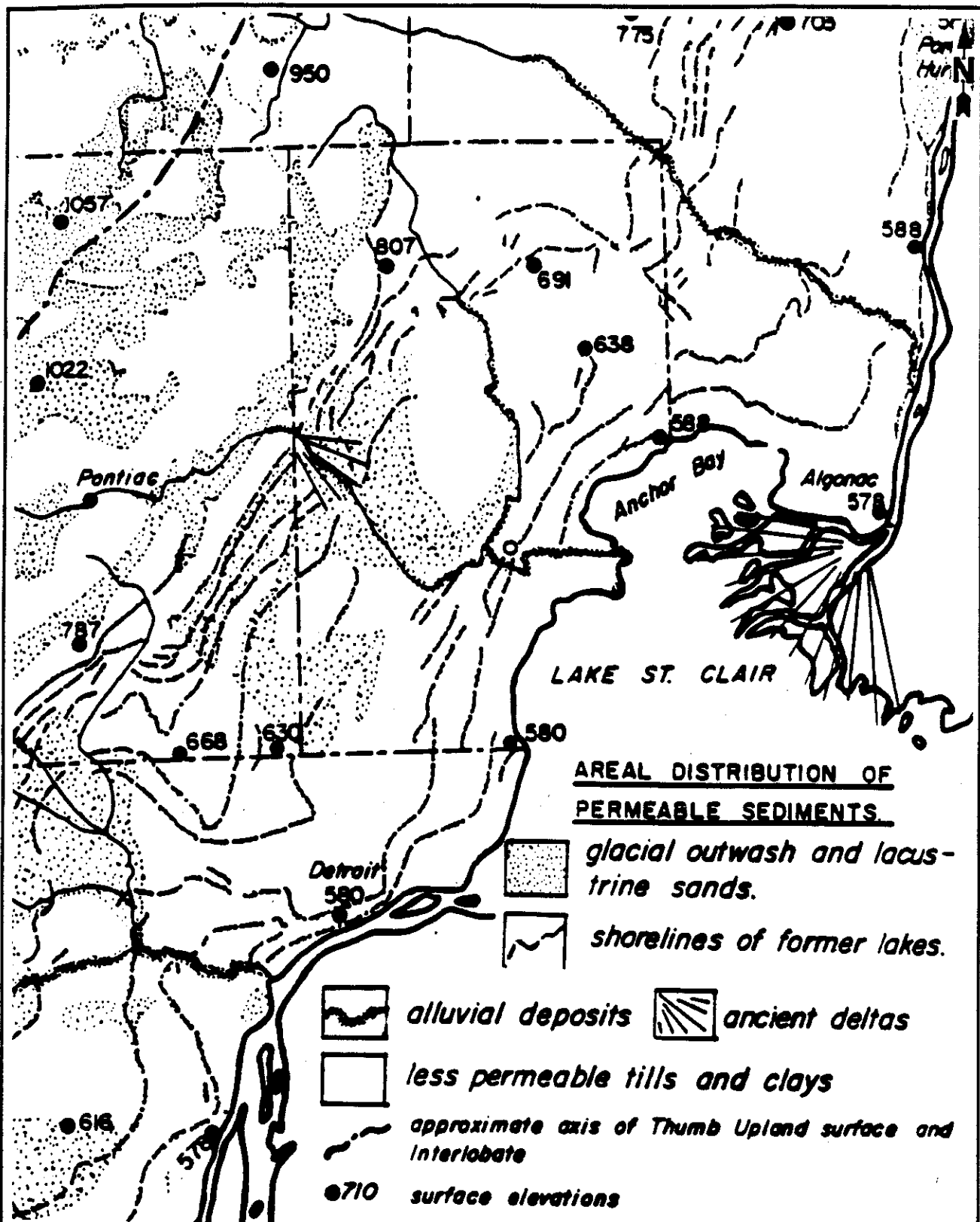
FITZSIMONS MANUFACTURING CO.
DETROIT, MICHIGAN

FIGURE 3

GEOLOGIC STRUCTURE SECTION

PMC ENVIRONMENTAL MANAGEMENT, INC.

SOURCE: MOZOLA, 1969



SCALE NOT AVAILABLE

FITZSIMONS MANUFACTURING CO.
DETROIT, MICHIGAN

FIGURE 4
DISTRIBUTION OF PERMEABLE SURFACE
DEPOSITS IN SOUTHEAST MICHIGAN

PMC ENVIRONMENTAL MANAGEMENT, INC.

SOURCE: MOZOLA, 1969

The soils around the FitzSimons plant consist of soils of the Belleville-Selfridge-Tedrow loamy substratum association. This type of soil is known for having nearly level to gently sloping, very poorly drained to somewhat poorly drained soils. They have a coarse-textured to moderately fine-textured subsoil over a coarse-textured to moderately fine-textured substratum. The landscape in this soil association is one of nearly level to gently sloping lake plains that are dissected by streams and creeks (U.S. Soil Conservation Service, 1977).

2.6.4 Ground Water

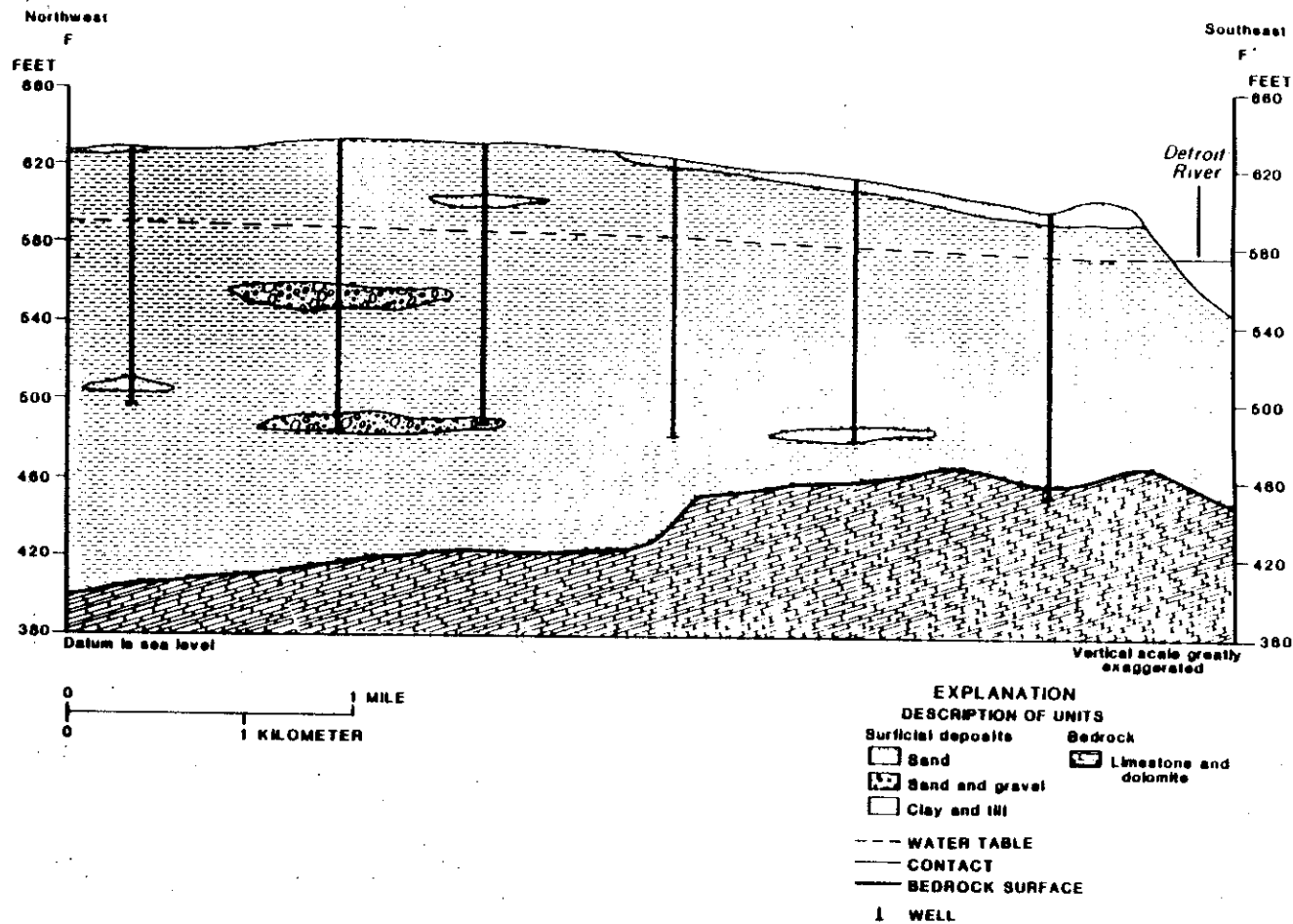
No site-specific information pertaining to ground water was available during the PA/VSI; however, a description of ground-water conditions based on regional information is included below.

Ground water occurs beneath the area in water table conditions at approximately 40 feet beneath ground surface. It generally flows toward the Detroit River. However, because Detroit is located on a glacial lake plain, composed primarily of silts and clays, the area is not favorable for the development of wells of moderate-to-large yields. Storage capacities are limited and well failures can be expected during long droughts (USGS, 1989). Although the lake plain has a high frequency of dry holes, small domestic supplies within intermittent zones of relatively greater permeability than the surrounding clay and silt deposits are normally possible (Figure 5). These intermittent zones occur under confined conditions, and both flowing and non-flowing wells can be expected. Southeast from the junction of the lake plain with the glacial moraines (Figure 6), the frequency of occurrence, thickness, and extent of these confined ground-water bearing zones decreases as the formations near the Detroit River.

Although the silt and clay deposits beneath the site have limited ability to yield usable quantities of water, the shallow ground water is usually soft and potable unless contaminated by man. In the intermittent zones described above, mineralization increases with depth. In addition, the quality of water from deep confined zones often is impaired by chlorides, hydrogen sulfide, and methane gas (Mazola, 1969).

2.7 RECEPTORS

FitzSimons is located in a light industrial area; there are few residences near the site. There are no sensitive environments, such as public parks, critical wildlife habitats, or wetland






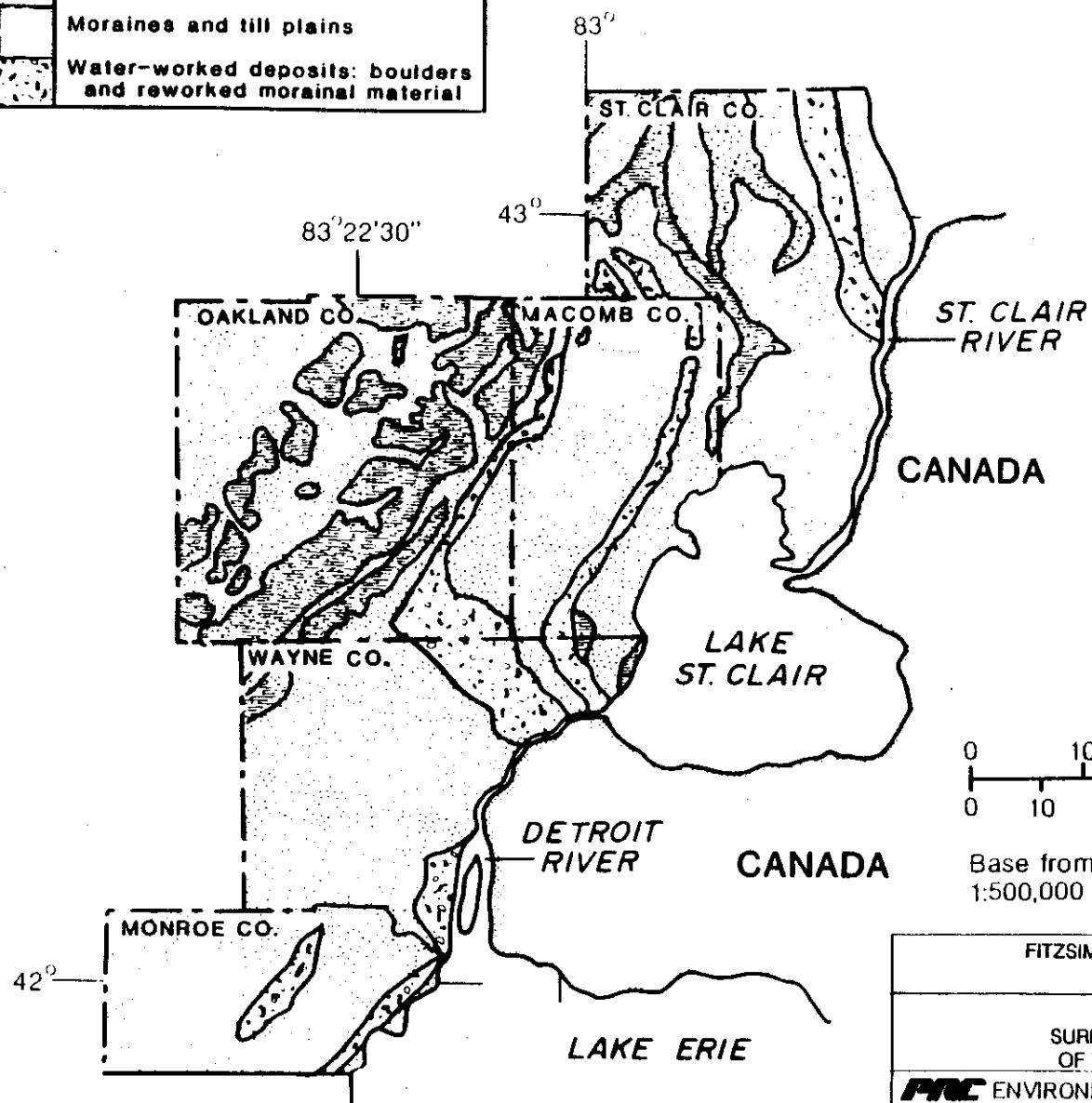
FITZSIMONS MANUFACTURING CO.
DETROIT, MICHIGAN

FIGURE 5
REPRESENTATIVE GEOLOGIC CROSS-SECTION
OF THE DETROIT AREA

PMC ENVIRONMENTAL MANAGEMENT, INC.

EXPLANATION

QUATERNARY		Lakebeds, sand and clay
		Moraines and till plains
		Water-worked deposits: boulders and reworked morainal material



0 10 20 MILES
0 10 20 KILOMETERS

Base from U.S. Geological Survey
1:500,000 map

FITZSIMONS MANUFACTURING CO.
DETROIT, MICHIGAN

FIGURE 6
SURFICIAL GLACIAL FEATURES
OF THE DETROIT RIVER AREA

FMC ENVIRONMENTAL MANAGEMENT, INC.

areas, within two miles of the site (USGS, 1979).

Although there are residences within 1 mile of the site, the threat to these receptors through ground water, surface water, air or on-site soils is minimal. The city of Detroit draws its drinking water exclusively from the Detroit River and no wells were identified within a 3-mile radius of the facility. The potential is low for exposure of groundwater to contamination from FitzSimons.

Because there is no evidence of hazardous waste activity and because all manufacturing processes are conducted inside the building, there is a low potential for releases to on-site soils.

The surface water nearest to the facility is the Detroit River, which is approximately 10 miles away. Currently, the facility discharges waste wash water and water-soluble lubricating oil to the city sewer system. The wastewater goes directly to a publicly owned treatment work (POTW) before it is discharged to the Detroit River (PRC, 1991). Because there is no indication of hazardous waste activity at the facility and because the water goes to a POTW before discharge to the Detroit River, there is a low potential that the facility or any discharge from it might directly affect the water quality of the Detroit River.

There are residences within 1 mile of the FitzSimons facility, but, since the facility uses air cleaning machines around the welding and soldering equipment, there appears to be low potential for releases to the air.

3.0 SOLID WASTE MANAGEMENT UNITS

This section describes the two SWMUs identified during the PA/VSI. The following information is presented for each SWMU: description of the unit, dates of operation, wastes managed, release controls, history of release, and PRC observations.

SWMU 1

Former Hazardous Waste Storage Area

Unit Description: The unit was 18 feet wide by 24 feet long; the area was located in the center of the manufacturing building along the north wall. It consisted of a 6- to 8-inch concrete floor with no slope, curbing, drain, or sump. The maximum capacity of the area was 90 55-gallon drums (Swanson, 1987). Photograph 1 in Attachment A shows the former location of the unit.

Date of Startup: Unknown

Date of Closure: The unit was closed by FitzSimons in 1988. The closure was certified in April and June 1989. MDNR released FitzSimons from financial assurance requirements in September 1990 (MDNR, 1990).

Wastes Managed: The unit stored waste furnace slag (D008) from the reclamation of lead from plating operations. The unit also was used to store nonhazardous spent cutting oil.

Release Controls: The unit was located on a concrete floor inside a building.

History of Release: No documented releases from this unit were identified during the PA/VSI.

Observations: No evidence of releases from the unit were identified; no cracks or stains were observed.

SWMU 2

Former Industrial Furnace

Unit Description: The furnace capacity and size are unknown. Photograph 1 in Attachment A shows the former location of the unit. This unit was used to heat the lead dross skimmed off the plating tank. The furnace was used to separate the lead from the dross so it could be decanted and thus reclaimed.

Date of Startup: Unknown

Date of Closure: The exact date of removal is unknown; the unit became inactive in 1985.

Wastes Managed: The unit managed lead dross from plating operations.

Release Controls: The unit was housed on a concrete floor inside the manufacturing building.

History of Release: No documented releases from this unit were identified during the PA/VSI.

Observations: The unit has been removed from the facility.

SWMU 3 Tanker Trunk Loading Area

Unit Description: The unit consisted of a loading area where tanker trucks were loaded with spent sulfuric acid solution.

Date of Startup: Unknown

Date of Closure: The unit was removed in 1983.

Wastes Managed: The unit managed spent sulfuric acid (D002) from plating operations.

Release Controls: Unknown

History of Release: No documented releases from this unit were identified during the PA/VSI.

Observations: The area where the lines ran to the tanker truck is now a loading pit.

SWMU 4 Floor Drains

Unit Description: There are nine floor drains inside the manufacturing building and seven floor drains in the parking lot. The drains are connected to sewer lines which join the city sewer system.

Date of Startup: Unknown; estimated to be shortly after plant was built in 1941.

Date of Closure: The unit is active.

Wastes Managed: The unit manages water-based synthetic lubricating oil and wash water from a parts cleaning and rustproofing machine. The parts cleaning and rustproofing machine is shown in photograph 3 of Attachment A.

Release Controls: Unknown

History of Release: No documented releases from this unit were identified during the PA/VSI.

Observations: The inside of this unit was not observed.

SWMU 5 Nonhazardous Waste Drum Storage Area

Unit Description: The unit is located outside the north side of the building on a paved area. The 55-gallon drums are placed on wooden pallets. Photograph 4 of Attachment A shows the location of the unit.

Date of Startup: Unknown

Date of Closure: The unit is active.

Wastes Managed: The unit manages nonhazardous filter material from the synthetic oil cleaning machine. The cleaning machine is shown in photograph 2 of Attachment A.

Release Controls: The filters are contained in 55-gallon drums.

History of Release: No documented releases from this unit were identified during the PA/VSI.

Observations: The 55-gallon drums were closed and labeled.

4.0 AREAS OF CONCERN

PRC identified no AOCs during the PA/VSL.

RELEASED
DATE 11/18/00
RIN #
INITIALS WV

ENFORCEMENT
CONFIDENTIAL

5.0 CONCLUSIONS AND RECOMMENDATIONS

The PA/VSI identified five SWMUs at the FitzSimons facility. Background information on the facility's location, operations, waste generating processes, release history, regulatory history, environmental setting, and receptors is presented in Section 2.0. SWMU-specific information, such as the unit's description, dates of operation, wastes managed, release controls, release history, and observed condition, is discussed in Section 3.0. AOCs are discussed in Section 4.0. Following are PRC's conclusions and recommendations for each SWMU. Table 3 identifies the SWMUs at the FitzSimons facility and suggests further actions.

SWMU 1

Former Hazardous Waste Storage Area

Conclusions: The unit has a low potential for release to the ground water, surface water, air or on-site soils. The unit has been closed and there is no evidence of releases in the area of the former storage unit. The concrete floor in the area has retained its integrity; there is no evidence of cracks.

Recommendations: No further action is recommended for this unit.

SWMU 2

Former Industrial Furnace

Conclusions: The unit has low potential for release to the ground water, surface water, air or on-site soils. The unit has been removed from the facility and lead reclamation activities are no longer conducted in the facility. There is no evidence of releases from this unit.

Recommendations: No further action is recommended for this unit.

SWMU 3

Tanker Truck Loading Area

Conclusions: The unit has low potential for release to the ground water, surface water, air or on-site soils. All lines were drained and spent sulfuric acid in the lines disposed of off site. The lines have been removed. There is no evidence of releases from this unit.

Recommendations: No further action is recommended for this unit.

SWMU 4

Floor Drains

Conclusions: The unit has low potential for release to the ground water, surface water, air or on-site soils. No hazardous wastes are used at the facility. All discharges are water-soluble and are discharged to the city sewer system and to a POTW.

RELEASED

DATE

RIN #

INITIALS

Table 3

SWMU Summary

ENFORCEMENT
CONFIDENTIAL

	SWMU	Operational Dates	Evidence of Release	Suggested Further Action
1.	Former Hazardous Waste Storage Area	Unknown to 1988	None	No further action
2.	Former Industrial Furnace	Unknown to 1985	None	No further action
3.	Tanker Truck Loading Area	Unknown to 1983	None	No further action
4.	Floor Drains	1941 to present	None	No further action
5.	Nonhazardous Waste Drum Storage Area	Unknown to present	None	No further action

ENFORCEMENT
CONFIDENTIAL

Recommendations: No further action is recommended for this unit.

SWMU 5 Nonhazardous Waste Drum Storage Area

Conclusions: The unit has low potential for release to the ground water, surface water, air or on-site soils. The unit stores only nonhazardous waste contained in 55-gallon drums. There is no evidence of releases from this unit.

Recommendations: No further action is recommended for this unit.

RELEASED/ rv
DATE 11/1/80
RIN #
INITIALS rv

REFERENCES

- U.S. Environmental Protection Agency (EPA), 1985a, Memorandum from Edith M. Ardiente, Technical Programs Section, to William E. Muno, Chief, RCRA Enforcement Section, September 3.
- EPA, 1985b, Compliance Order and Consent Agreement, issued to Manufacturing Company (FitzSimons), September 19.
- Erickson, Mary C., 1990, Meteorologist, National Weather Service, communications with Patricia A. Murphy, PRC Environmental Management, Inc. (September 26).
- FitzSimons, 1981, Notification of Hazardous Waste Activity, July 22.
- FitzSimons, 1985a, TSD Facility Part A Permit Application, Detroit, Michigan Plant, October 1, 1985
- FitzSimons, 1985b, letter from David R. Tyler, Plant Administrator, FitzSimons to Basil G. Constatelos, Director, Waste Management Division, EPA, October 2.
- FitzSimons, 1986, letter from David R. Tyler, Plant Administrator, FitzSimons, to Faye M. Dade, MDNR, Hazardous Waste Division, January 5.
- Michigan Department of Natural Resources (MDNR), 1988, letter from Allen J. Howard, Chief, Waste Management Division, MDNR, to Raymond F. Sears, Plant Manager, FitzSimons, June 27.
- MDNR, 1989a, staff report of facility inspection by Faye Mitchell, Waste Management Division, MDNR, February 28.
- MDNR, 1989b, letter from Faye Mitchell, Waste Management Division, MDNR, to Tom Raymond, Manager FitzSimons, March 23.
- MDNR, 1990, letter from David F. Hales, Director, MDNR, to Mark E. Barbour, Plant Administrator, FitzSimons, September 25.
- Mozola, A.J., 1969, Geology for Land and Ground Water Development in Wayne County, Michigan; State of Michigan Department of Natural Resources, Report of Investigation 3.
- National Oceanic and Atmospheric Administration (NOAA), 1980, Environmental Data Information Service, Narrative Climatological Summary, Detroit Metropolitan Airport, Michigan.
- PRC Environmental Management, Inc., 1991, Visual Site Inspection, November 7.
- Swanson Environmental Services, Inc., 1987, Closure Plan, Post-Closure Plan and Financial Requirements, 40 CFR Part 265, Subpart G, October 28.
- U.S. Geological Survey (USGS), 1974, Map of flood-prone areas.
- USGS, 1983, Highland Park, Michigan, Topographic Map.

USGS, 1989, Ground Water Flow and Quality Near the Upper Great Lakes Connecting Channels, Michigan.

U.S. Soil Conservation Service, 1977, Soil Survey of Wayne County Area, Michigan.

ATTACHMENT A

VISUAL SITE INSPECTION SUMMARY AND PHOTOGRAPHS

VISUAL SITE INSPECTION SUMMARY

**FitzSimons Manufacturing Company
Detroit, Michigan
MID 005 354 949**

Date: November 7, 1991

Facility Representatives: Raymond F. Sears, Manufacturing Manager, FitzSimons (313) 891-4800
Sheridan Market, FitzSimons (313) 891-4800
Howard Krause, Industrial Engineer, FitzSimons (313) 891-4800

Inspection Team: Patricia A. Murphy, PRC Environmental Management, Inc. (703) 883-8869
Thomas M. Sinski, PRC Environmental Management, Inc. (703) 556-2811

Photographer: Patricia A. Murphy

Weather Conditions: Cloudy, temperatures in the low 30s.

Summary of Activities: The PRC team arrived at the FitzSimons facility at 9:43 a.m. Tom Sinski provided an overview of the purpose of the PA/VSI. At 10:24 a.m. the PRC team and Ray Sears and Howard Krause of FitzSimons began a tour of the facility. The PRC team examined the manufacturing process and the present and former locations of SWMUs. Photographs taken during the VSI are provided on the following pages. Some SWMUs have been removed from the facility; no photographs of those units are available. At 10:55 a.m., the PRC team and FitzSimons representatives returned to Ray Sears' Office. The FitzSimons representatives provided the PRC team with additional information on certain SWMUs, material safety data sheets, and facility drawings. After a brief exit interview, the PRC team left the FitzSimons facility at 11:10 a.m.



Photograph No.

2

Orientation:

North

Description:

Water-based synthetic oil cleaning machine. Filters from the oil cleaning machine are placed in 55-gallon drums and taken to the nonhazardous waste drum storage area (SWMU 5).

Location: SWMU 5

Date: 11/7/91



Photograph No. 3 **Location:** SWMU 4
Orientation: West **Date:** 11/7/91
Description: Parts cleaner and rustproofing machine. Waste wash water is discharged to floor drains and the city sewer system.



Photograph No. 4 **Location:** SWMU 5
Orientation: South **Date:** 11/7/91
Description: Nonhazardous waste drum storage area

ATTACHMENT B

VISUAL SITE INSPECTION FIELD NOTES

Fitzsimmons Mfg Co.

11/7/91 - 9:42 AM Cloudy 30°F

Patti Murphy + Tom Swicki

Mt. and Ray Leas, Hudson Market

Bldg built approx. to WWII
Early 1940's. Made military
products during WWII.

Started in 1917 at another
location.

Started cutting, turning, stamping
parts for automotive suppliers.
Primarily make tubular products.
Primary product is fuel
filler necks for gas tanks
on cars.

134,000
Bldg is ~~140,000~~ sq. ft.
Later is 140,000 sq. ft.
Mfg is ~120,000 sq. ft.
200 people over 2 shifts.

Operations are stamping,
forging, roll forming, some
light assembly.

Wastes generated are a
water-soluble synthetic lubricant.
Switched from lubricant oil
about six years ago.

Lead furnace & drum storage
area closed in 1987.

Lead furnace/smelter produced
lead ingots and lead dross
(impurities that float to top)

Tin/Lead segregated from a plating line. The dross was skimmed off the top and placed in the furnace.

Coating operations ended 79-1980. Refining operation continued because they continued to get Tin/Lead dross from another location.

H_2SO_4 also used in the plating/coating operations as a cleaning solution.

Spent solution from the plating/dross were pumped into

~~clean~~ tanker truck straight from the plating lines. No intermediate storage. Spent solution taken offsite and reclaimed.

No solution was discharged to POTW.

No air permits. Long Key cleans the fumes from brazing/soldering/welding operations. Long Key (EST) service.

Tours @

10:24 a.m. with Ray, Howard Kram, I.E.

Old tin line area. Last operated in 1979. Now a shipping dock.

Mag Hog - traps fumes
and a filter.

Industrial and Products
(Mile Tasks) Filters are
taken out about once a
week.

Found Drum Storage and
smelting furnace. Now saged
area used for drum storage
of synthetic oil and
lubricants. Floor is concrete.

Closure conducted by
Swenson ent.

Synthetic oil cleaning
machines. Reclaim the
synthetic oil. Filter material

is put into non-hazardous
drum slot.

Outside Bldg Petroleum drum
area and non-hazardous
drum storage.

Grated trench near tube
forming machine catches
synthetic oil for reclaim.

Synthetic oil that drops
off the machine will
flow to city sewer system.

Washing machine contains soap
water and rust preventative
Herco 5545. Used to clean
parts prior to welding.

ATTACHMENT C

MATERIAL SAFETY DATA SHEETS

GENERAL MOTORS CORPORATION MATERIAL SAFETY DATA SHEET

SECTION I

PRODUCT NAME OR NUMBER (as it appears on label) ADVANCED TECHNOLOGY FLUIDS ATP -600 (undiluted concentrate)		GM COMMON CODE
MANUFACTURER'S NAME ICI Americas Inc.		EMERGENCY TELEPHONE NO. (302) 886-3000
ADDRESS (Number, Street, City, State and Zip Code) Murphy Road, Wilmington, DE 19897		MANUFACTURER'S D-U-N-S NO. 00-948-4908
HAZARDOUS MATERIAL DESCRIPTION, PROPER SHIPPING NAME, HAZARD CLASS, HAZARD ID NO. (49 CFR 172.101) N/A		
ADDITIONAL HAZARD CLASSES (as applicable) N/A		
CHEMICAL FAMILY Surfactants	FORMULA Mixture	

SECTION II — INGREDIENTS (list all ingredients)

CAS REGISTRY NO.	%W	%V	CHEMICAL NAME(S)	Listed as a Carcinogen in NTP, IARC or OSHA 1910(z) (specify)
			Due to space limitations, this	
			information listed on Page 3	

SECTION III — PHYSICAL DATA

BOILING POINT 212°F 100°C	SPECIFIC GRAVITY (H ₂ O = 1) 1.02	
VAPOR PRESSURE approx = water (G °F °C mm Hg psi)	PERCENT VOLATILE BY VOLUME (%) 0	PERCENT SOLID BY WEIGHT (%) 0
VAPOR DENSITY (AIR = 1) approx = water	EVAPORATION RATE (approx = water)	
SOLUBILITY IN WATER 100%	pH = 9.9 @ 5% sol'n	
APPEARANCE AND ODOR clear amber liq., amine odor	IS MATERIAL: GAS PASTE <u>LIQUID</u> SOLID POWDER	

SECTION IV — FIRE AND EXPLOSION HAZARD DATA

FLASH POINT n/a °F °C	method used	FLAMMABLE LIMITS	LEL	UEL
EXTINGUISHING MEDIA Use media suitable for surrounding fire				
SPECIAL FIRE FIGHTING PROCEDURES				
N/A				
ADDITIONAL FIRE AND EXPLOSION HAZARDS				

GENERAL MOTORS CORPORATION

MATERIAL SAFETY DATA SHEET

SECTION I

PRODUCT NAME OR NUMBER (as it appears on label) ADVANCED TECHNOLOGY FLUIDS ATF 600 (undiluted concentrate)		GM COMMON CODE
MANUFACTURER'S NAME CI Americas, Inc.		EMERGENCY TELEPHONE NO. (302) 886-3000
ADDRESS (Number, Street, City, State and Zip Code) Murphy Road, Wilmington, DE 19897		MANUFACTURER'S D-U-N-S NO. 00-948-4908
HAZARDOUS MATERIAL DESCRIPTION, PROPER SHIPPING NAME, HAZARD CLASS, HAZARD ID NO. (49 CFR 172.101) /A		
ADDITIONAL HAZARD CLASSES (as applicable) /A		
CHEMICAL FAMILY Surfactants		FORMULA Mixture

SECTION II — INGREDIENTS (list all ingredients)

REGISTRY NO.	%W	%V	CHEMICAL NAME(S)	Listed as a Carcinogen in NTP, IARC or OSHA 1910(z) (specify)
952-33-4	1/5		Boramide	
18-48-9	1/5		Boramide	
378-67-3	1/5		Boramide	
71-6	1/5		Alkanolamine	
4-68-5	1/5		Alkanolamine	
8-38-7	1/5		Carboxylate Salt	
906-05-9	1/5		Amine Carboxylate	
0-66-7	1/5		Alkanolamide	
42-2	1/5		Alkanolamine	
2-52-5	1/5		Petroleum Distillate	
78-8	<1		Alkoxylate Aryl Ether	
06-53-6	<1		Fungicide	
4-07-4	<1		Boric Acid	
*	<1		Silicone Defoamer	
			*Proprietary component having TSCA registration	

SECTION V-HEALTH HAZARD DATA

EFFECTS OF OVEREXPOSURE — Conditions to Avoid		THRESHOLD LIMIT VALUE <input type="checkbox"/>
Short contact periods with concentrate may		PERMISSIBLE EXPOSURE LIMIT <input type="checkbox"/> N/A
result in skin irritation. Repeated/prolong		OTHER LIMIT <input type="checkbox"/> N/A
contact may result in skin burns. Limit exposure to concentrate.		
PRIMARY ROUTES OF ENTRY Inhalation <input checked="" type="checkbox"/> Skin Contact <input checked="" type="checkbox"/> Other (specify)		
EMERGENCY AND FIRST AID PROCEDURES SKIN - Remove contaminated clothing, wash material from skin with soap and water.		
EYES - Flush with water. After initial flush, remove contact lenses and continue flushing for 15 minutes.		
INGESTION - Drink one - two glasses of water. INHALATION - Remove victim to fresh air.		

SECTION VI-REACTIVITY DATA

STABILITY	UNSTABLE	CONDITIONS TO AVOID	
	STABLE	X Avoid storage in temperature extremes (30F or less/100F or greater)	
INCOMPATIBILITY (materials to avoid)			
Acidic contaminants will degrade product.			
HAZARDOUS DECOMPOSITION PRODUCTS: Combustion products of dry material: CO ₂ ; CO; Nitrogen oxides; Ammonia; Halogen; Halogen acids; trace carbonyl halide possible			
HAZARDOUS	MAY OCCUR	CONDITIONS TO AVOID	
POLYMERIZATION	WILL NOT OCCUR	X	

SECTION VII-SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED	
Wear skin and eye protection. Soak up liquid with absorbent and place in waste container. Wash area with water and flush to sewer serviced by waste treatment facility.	
WASTE DISPOSAL METHOD	
Product can be treated with typical acid/alum procedures and dosages.	
CERCLA (Superfund) REPORTABLE QUANTITY (in lbs)	
None	
RCRA HAZARDOUS WASTE NO. (40 CFR 261.33)	
Not a hazardous waste.	
VOLATILE ORGANIC COMPOUND (VOC) (as packaged, minus water)	
N/A	
<input type="checkbox"/> Theoretical	N/A lb/gal
<input type="checkbox"/> Analytical	N/A lb/gal

SECTION VIII-SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION (specify type) MSHA - NIOSH respirator for dusts mists and fumes with TLV >.05mg/m ³ in combination with organic vapor cartridge		
VENTILATION	LOCAL EXHAUST (Specify Rate)	SPECIAL N/A
	As needed to keep dust below 10mg/m ³	
	MECHANICAL (General) (Specify Rate)	OTHER N/A
	As needed to keep dust below 10mg/m ³	
PROTECTIVE GLOVES (specify type) Impervious		EYE PROTECTION (specify type) Chemical Tight Goggles
OTHER PROTECTIVE EQUIPMENT		
Eye wash station and safety shower in area.		

SECTION IX-SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING	
Prevent skin and eye contact.	
Avoid temperature extremes: 30°F or less/100°F or greater.	
OTHER PRECAUTIONS	
If product freezes, stir contents to return to uniform consistency.	

Seller agrees not to assert any claim (other than a claim for a patent infringement) against General Motors Corporation for any use or disclosure of any technical data or information disclosed in connection with this questionnaire.

PLEASE COMPLETE QUESTIONNAIRE AND RETURN TO:	Name (print)	Roger Walck
	Signature	<i>Roger Walck</i>
	Title	Product Information Specialist
	Date	



Specialty Chemicals

Internal Memorandum

DATE: APRIL 27, 1989

FROM: A. P. FERRARA

ICI SPECIALTY CHEMICALS
Wilmington, DE 19897 USA
ICI Americas Inc.
Telephone (302) 575-2471
Telex

TO: MR. C. CASE

CC: C. J. Aiken
R. E. Bingeman
K. E. Clapp

RE: DEVELOPMENT OF SYNTHETIC
WASTE-TREATABLE FLUIDS

I. Summary:

High-volume metalworking facilities such as Ford-Livonia and Hydramatic-Toledo, our largest metal cleaner customers, have expressed a real need for waste-treatable synthetic fluids. This need was further expressed during the Coolants Seminar I recently attended in St. Louis; the consensus opinion was that no one currently has a product of this description.

After considerable laboratory work, we have a formulation that appears to fit this need and one which covers many additional concerns (zinc and aluminum compatibilities, low foam, and excellent metal cutting potentials).

A proposed metalcutting version of ATF 600 (ATF ⁵⁹⁰600+) is in the final development stages and looks quite promising. An additional per gallon RMC is required for the cutting fluid product.

II. Results and Discussion:

A. Waste Treatment

ATF 600 showed excellent waste treatability with a complete separation of solids in the upper layer. Metalworking waste treatment systems are normally designed for solids to be separated and removed in the top layer along with tramp oils. Accordingly, in our laboratory scale tests, 1% base oil was initially added to a 5% solution (in water) to represent tramp type oils in the system. After acidifying with dilute H_2SO_4 , a 2000 ppm dosage of alum was added to flocculate the solids and the pH subsequently neutralized with dilute caustic.

TABLE IA

Metal Compatibility and Foam Potential of ATF 600

Aluminum Compatibility (5%)

1 Hr. 135°F	Pass
(Hydramatic, Toledo condition)	
48 Hrs. R.T.	Pass

Zinc Compatibility (4%)

9 Days 175°F	Pass
(Centri-Spray Conditions)	

Ferrous Corrosion (3%)

Cast Iron Chip	Pass (clean)
Galvanic	Pass (clean)

Foam Potential (5% in blender)

R.T.	Pass
150°F	Pass

B. Metal Compatibility and Foam Potential (Table IA)

As seen in Table IA, ATF 600 showed excellent compatibility with aluminum, zinc, and ferrous metals.

C. Oil Acceptance and Stability

Oil acceptance of ATF 600 was judged to be equivalent to our ATF 620 cleaner. This test is an important indicator of cleaning efficiency. ATF 600 also passed all stability tests which included freeze thaw, 120°F, R.T. and 40°F.

D. EP Lubricity and Anti-Weld (Table IB)

Falex A (anti-weld) and Falex Wear (EP Lubricity) tests were run on ATF 600 and ATF 600+ to investigate the functionality of the above products in metal cutting. As seen in Table IB, the EP lubricity of ATF 600+ (Falex wear with aluminum pin) is substantially improved over ATF 600 and approaches ATF 700 when the solution concentration increased to 10%. It should be noted, however, that the foam level of ATF 600+ also increased noticeably at the higher (10%) concentration to about twice that of ATF 592, and this is requiring further lab work. Using a steel pin, the Falex Wear of ATF 600 is significantly better than ATF 571 (Table IB).

Regarding anti-weld properties (Falex A), both ATF 600 and 600+ were similar and comparable to ATF 592. And, both carried a higher load than ATF 571 (Table IB).


A. P. Ferrara

APF/cc

Attachment



Specialty Chemicals

15 barrels, 6.40 gal, .80 / LB

ADVANCED TECHNOLOGY FLUIDS ATF™ 600 Waste-Treatable Synthetic Metal Working Fluid

Description

ICI Americas is pleased to announce a technological break-through in the metal working fluid industry. ATF™ 600 is a fully synthetic, non-petroleum and non-vegetable oil based synthetic; yet, it is fully waste-treatable.

Applications and Benefits

ATF 600 is intended to replace synthetics, semi-synthetics and soluble oil fluids. Capabilities for this product include grinding, turning, gun-reaming, gun-drilling, and tapping. ATF 600 has a nonsticky and nontacky residue which readily resolubilizes in water. ATF 600 is low/nonfoaming, displays excellent rust and corrosion inhibiting capabilities yet, does not stain nor corrode non-ferrous alloys. As such, ATF 600 is multi-metal compatible. At your request, your ICI representative will provide detailed documentation showing superior tool life and parts finish using ATF 600 in comparative analysis against competitor's products.

Waste-Treatability

Bench tests have shown comparable (vs. soluble oil) separation of active ingredient in ATF 600 using conventional acid/alum techniques. Subsequent testing shows less than 5 ppm free oil and grease after freon extraction. Several large automotive manufacturing plants have confirmed these characteristics resulting in approval for use in their facilities.

Maintenance

ATF 600 has a strong record, proving minimal requirement for maintenance. Controlled fines and chip settling resist build-up on equipment and promote excellent filterability. Tramp oil rejection is excellent. Many months of production usage in demanding conditions has shown no need for tankside chemical additives.

Value

The versatility of ATF 600 for a variety of metal removal operations and the multi-metal capability allow for general usage with superior performance. The reduction of specialized fluids, elimination of biocide and various chemical tankside treatments, the health, safety and environmental advantages of ATF 600 add up to substantial cost savings and improved productivity.

Typical Properties

Appearance	Transparent, orange
pH (20:1 dilution)	9.8
Shipping weight (lb/gal 25°C)	8.4
Nitrites, PTBBA, heavy metal salts, phosphates, phenols	None present
Corrosion protection	Ferrous; non-ferrous

Summary of Benefits

- **Waste-treatable:** Conforms to commonly used methodology.
- **Multi-Metal Compatible:** Excellent rust and corrosion resistance on ferrous and non-ferrous alloys.
- **Versatile:** Superior performance for grinding through tapping.
- **Ease of Maintenance:** Reduces build-up of residues and provides excellent filterability.
- **Prolonged Sump Life:** Resists rancidity and reduces expensive downtime.
- **Modern Technology:** Addresses health, safety and environmental concerns.

**Refractometer Table for
Determining Solution Strength
of ATF 600**

Refractometer Reading	Solution Concentration	Dilution Factor
0.4	2%	50:1
0.6	3%	33:1
0.8	4%	25:1
1.0	5%	20:1
1.7	8%	13:1
2.1	10%	10:1

Refractometer Procedure

1. Remove tramp oils from sample by centrifuging or by allowing fluid to remain undisturbed for two hours.
2. Place a few drops of the clarified fluid on the refractometer prism.

3. Direct refractometer toward a bright light source and read to the nearest tenth unit.
4. A 0-10 scale refractometer (e.g., American Optical Model No. 10441) will provide optimum accuracy.

Field Experience

ATF 600 is clean running and has an extraordinary sump life. Experience to date indicates that it is well accepted by workers. The product's resistance to mist also contributes to improvement in the working environment.

For literature, samples and order information, contact Customer Service: 800-634-8309

For technical information contact:
ICI Specialty Chemicals
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Wilmington, Delaware 19897
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